

Revised 3/29/11

**AGENDA
ZONING COMMITTEE
OF THE SAINT PAUL PLANNING COMMISSION
Thursday, April 7, 2011 3:30 P.M.
City Council Chambers
Third Floor City Hall - Saint Paul, Minnesota**

NOTE: The order in which the items appear on this agenda is not necessarily the order in which they will be heard at the meeting. The Zoning Committee will determine the order of the agenda at the beginning of its meeting.

APPROVAL OF MARCH 24, 2011, ZONING COMMITTEE MINUTES

SITE PLAN REVIEW – List of current applications (Tom Beach, 651-266-9086)

OLD BUSINESS

- 1 11-103-193 Red Dog Holdings LLC**
Conditional Use Permit for a pawn shop with modification of separation requirement between pawn shop and alternative financial establishment
(1053.5 ft. existing, 1320 ft. required)
1891 Suburban Ave, NW corner at Burns
B3
Penelope Simison 651-266-6554
- 2 11-112-696 Red Dog Holdings LLC**
Conditional Use Permit for an auto specialty store
1891 Suburban Ave, NW corner at Burns
B3
Penelope Simison 651-266-6554
- 3 11-112-697 Red Dog Holdings LLC**
Conditional Use Permit for a fast food restaurant with drive through service
1891 Suburban Ave, NW corner at Burns
B3
Penelope Simison 651-266-6554
- 4 11-112-698 Red Dog Holdings LLC**
Conditional use permit for a fast food restaurant with drive through service
1891 Suburban Ave, NW corner at Burns
B3
Penelope Simison 651-266-6554

NEW BUSINESS

- 5 11-111-350 Dr. Justin O'Brien**
Establishment of legal nonconforming use as a yoga / trade school
1317 Summit Ave, between Hamline and Syndicate
R2
Kate Reilly 651-266-6618

- 6 **11-111-117 Saldi LLC**
Rezoning from TN2 Traditional Neighborhood to B3 General Business
150 Cesar Chavez St, between George and Robert
TN2
Lucy Thompson 651-266-6578

- 7 **11-111-120 Saldi LLC**
Conditional Use Permit for alternative financial establishment with modification of
required distance from residential property
150 Cesar Chavez St, between George and Robert
TN2
Lucy Thompson 651-266-6578

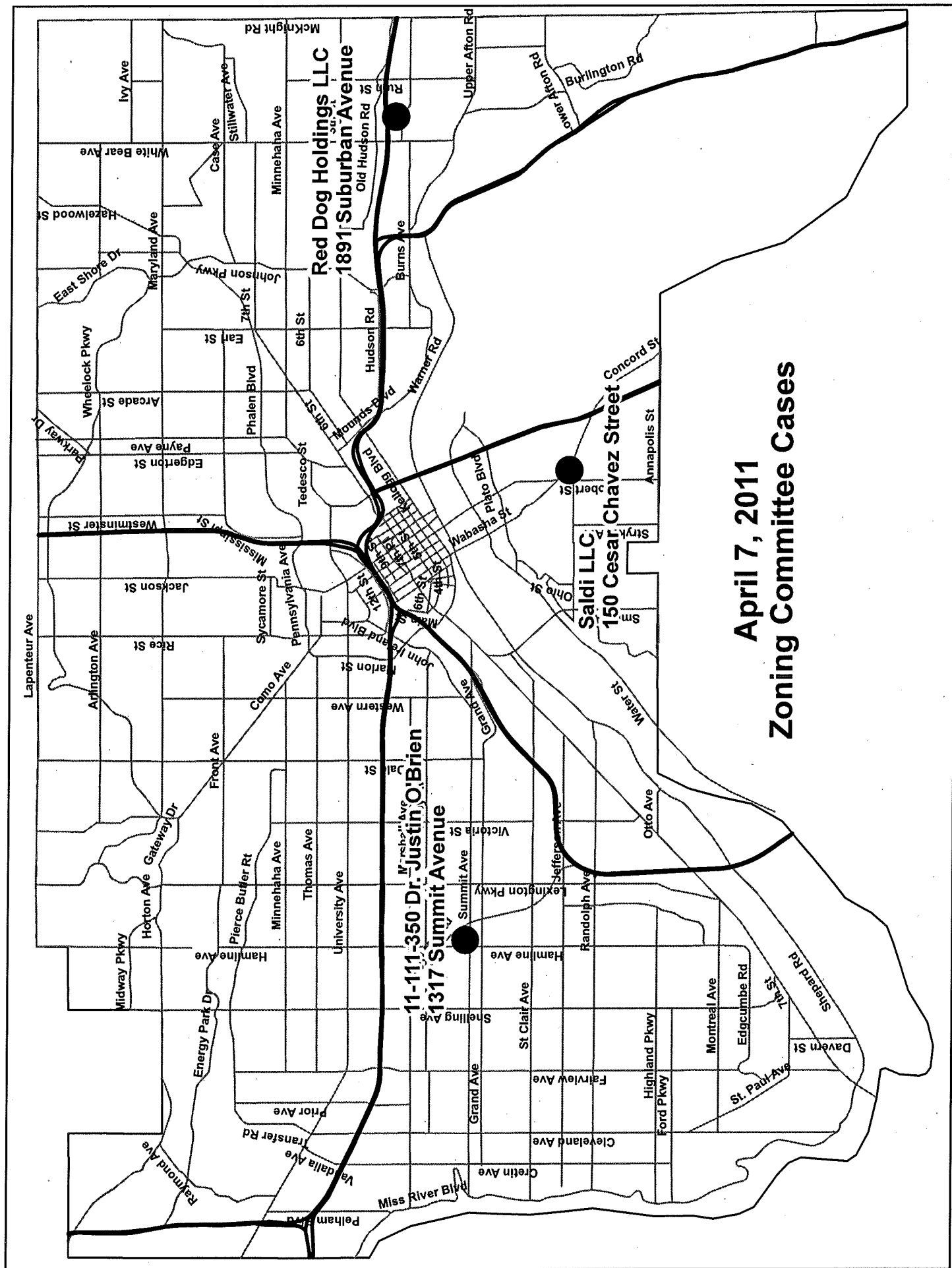
DISCUSSION

Denying zoning applications in the face of a staff recommendation to approve:
revisiting the legal requirements of Minn. Stat. § 15.99, Subd. 2(b).
Assistant City Attorney, Peter Warner

ADJOURNMENT

ZONING COMMITTEE MEMBERS: Call Patricia James at 266-6639 or Samantha Langer at 266-6550 if you are unable to attend the meeting.

APPLICANT: You or your designated representative must attend this meeting to answer any questions that the committee may have.



April 7, 2011
Zoning Committee Cases

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Red Dog Holdings LLC (1891 Suburban) **FILE #** 11-103-193
 2. **APPLICANT:** Red Dog Holdings LLC **HEARING DATE:** March 24, 2011
 3. **TYPE OF APPLICATION:** Conditional Use Permit
 4. **LOCATION:** 1891 Suburban Ave, NW corner at Burns
 5. **PIN & LEGAL DESCRIPTION:** 352922330009, Registered Land Survey 276 Subj To Rds;
Tract C
 6. **PLANNING DISTRICT:** 1 **PRESENT ZONING:** B3
 7. **ZONING CODE REFERENCE:** § 61.501; § 65.531; §61.502
 8. **STAFF REPORT DATE:** March 28, 2011 **BY:** Penelope Simison
 9. **DATE RECEIVED:** February 17, 2011 **60-DAY DEADLINE FOR ACTION:** April 18, 2011
-

- A. **PURPOSE:** Conditional Use Permit for a pawn shop with a modification of the separation requirement for a pawn shop and an alternative financial establishment.
- B. **PARCEL SIZE:** 210,395 sq. ft. (4.83 acres) with 517 feet of frontage on Suburban Avenue
- C. **EXISTING LAND USE:** Auto Showroom/Lot/Auto Service
- D. **SURROUNDING LAND USE:**
North: Interstate 94 right-of-way
East: Retail (TN2)
South: Ramsey County pond and parkland (R2)
West: Fast food restaurant (B2)
- E. **ZONING CODE CITATION:** §65.531 lists the standards and conditions required for a pawn shop; §61.501 lists general conditions that must be met by all conditional uses; §61.502 lists conditions by which a modification may be granted.
- F. **HISTORY/DISCUSSION:** In October 2009, the Board of Zoning Appeals granted a variance to permit a freestanding pylon sign with electronic display within 660-foot distance from another electronic message sign. The decision was appealed to the City Council, which approved the appeal in January 2010.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 1 Council has submitted a letter in support of the request; District 1 subsequently submitted a letter requesting a detailed litter collection plan be prepared by the applicant. District 1 has also submitted emails from residents in opposition to the request. There is one email in support of the request.
- H. **FINDINGS:**
 1. The applicant proposes to develop a commercial center by renovating an existing auto showroom and repair facility and constructing three additional buildings for retail businesses. Proposed uses include a pawn shop; restaurants, including three fast food restaurants, two of which are proposed for drive-through service; and service businesses. An auto specialty store is also proposed as one of the businesses.
The applicant is requesting approval of four conditional use permits:
 - a. ZF #11-103-193 – Conditional Use Permit for a pawn shop
 - b. ZF #11-112-696 – Conditional Use Permit for an auto specialty store
 - c. ZF #11-112-697 – Conditional Use Permit for a fast food restaurant with drive-through service in the proposed new northeastern building
 - d. ZF #11-112-698 – Conditional Use Permit for a fast food restaurant with drive-through service in the proposed new southwestern buildingThe proposed layout of the site includes:
 - Existing (southeast) building – 21,549 s.f. The proposed auto specialty store would be

located in this building. Additional businesses proposed for this building include a pawn shop in the northwest portion of the building, with its entrance facing the parking lot in the center of the site and a retail store.

- Northeast building – 5,104 s.f. This building is proposed to include a coffee shop with drive-through service and a fast food restaurant without drive-through service;
- Northwest building – 5,684 s.f. This building is proposed to include a full service restaurant that likely will sell beer, wine, and spirits;
- Southwest building – 9,796 s.f. This building is proposed to include four businesses, including a pet store, a hair salon, and a fast food restaurant with drive-through service.

The applicant proposes to provide 157 parking spaces. At one space for every 400 s.f. of gross floor area; 105 parking spaces are required. If the northwest building, proposed for a full service restaurant, serves beer and wine, 136 parking spaces are required; if the full service restaurant serves liquor, then 148 parking spaces are required. The applicant proposes to provide .88 acres of internal green landscaping. The parking code requires an equivalent of 15 percent of proposed impervious surfaces be landscaped, or .29 acres on this site.

2. Section 65.531 defines pawn shop and provides standards and conditions that must be satisfied to permit the use, as follows:
 - (a) *The business shall be conducted within a completely enclosed building.* This condition is met. The pawn shop will be located in the existing southeast building. No outside sales are proposed.
 - (b) *The building in which the business is located shall be at least one hundred fifty (150) feet from the closest point of any residentially zoned property.* This condition is met. The southeast building is 150.16 feet from the Ramsey County pond on the south side of Suburban Avenue, which is zoned R2.
 - (c) *No pawn shop shall be located within 1,320 feet of any alternative financial establishment, measured from the nearest building wall of the existing establishment to the nearest building wall of the proposed use, or if there is no building, to the nearest lot line of the proposed use.* This condition is not met. An existing Western Union facility, called the Piggy Bank, at 1994 Suburban Avenue, is 1,053.5 feet from the site. The applicant submitted a request for a modification from this requirement. Staff initially thought the Piggy Bank was not an alternative financial establishment as defined by City ordinance and, consequently, a modification of the distance requirement was not necessary. After further analysis and discussion, staff determined the Piggy Bank is an alternative financial establishment and a modification of the distance requirement for the proposed pawn shop is required. The condition can be met if the planning commission approves the modification of the distance requirement.
3. Sec. 61.502 states: *The planning commission, after public hearing, may modify any or all special conditions, when strict application of such special conditions would unreasonably limit or prevent otherwise lawful use of a piece of property or an existing structure and would result in exceptional undue hardship to the owner of such property or structure; provided, that such modification will not impair the intent and purpose of such special condition and is consistent with health, morals and general welfare of the community and is consistent with reasonable enjoyment of adjacent property.* This finding is met. The existing building on the site, the location of the proposed pawn shop, is 1,053.5 feet from the Piggy Bank, an alternative financial establishment located at 1994 Suburban Avenue. A strict application of the requirement would unreasonably limit or prevent an otherwise lawful use of an existing structure. If the pawnshop were located on the westerly portion of the site, it would be more than 1,320 feet from the Piggy Bank, meeting the distance requirement without substantially changing the relationship between

the two uses because of the character of the commercial area. That would be impractical and result in undue hardship to the owner, however, as the configuration of the existing building is not suited to the typical layout of a fast food restaurant with drive-through service, as is proposed for the southwest building on the site. Moreover, the uses proposed for the site are consistent with the essential character of the area, which is a relatively large commercial center rather than a commercial street with residential uses in close proximity. Approval of the modification will not impair the intent and purpose of the condition, which is to prevent a clustering of such establishments. The entrance to the pawnshop in the proposed building will face west, into the parking lot, while the entrance to the Piggy Bank faces west, onto the parking area of the commercial building in which it is located. Neither establishment will have entrances directly on Suburban Avenue. Thus, granting of the modification is consistent with health, morals and general welfare of the area and allows a reasonable enjoyment of adjacent property.

4. §61.501 lists five standards that all conditional uses must satisfy:

- (1) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.* This condition is met.

The site falls within the *SunRay-Suburban Small Area Plan* "Village Center" node. Objectives of the Village Center node include development of new housing as underutilized commercial land becomes available; the existing supermarket to function as a retail anchor; retail stores to provide services and convenience goods as well as locally-owned full-service restaurants that serve the surrounding community; creation of a community gathering place in close proximity to Ramsey County parkland; development of a civic building; sidewalks with pedestrian-friendly streetscape amenities; and, pedestrian trails to Ramsey County parkland on the south side of Suburban Ave. The area is also identified as a Neighborhood Center in the *Comprehensive Plan*, identified as compact, mixed-use areas with a range of housing types at high densities and commerce that provides goods and services for both nearby residents and those living in the surrounding community. Neighborhood Centers are also envisioned to provide community facilities and connections for pedestrians and bicyclists.

The site of the proposed development was once an auto showroom with ancillary repair facilities. Since the closure of the auto showroom, the building has been intermittently used for used car sales. The proposed development is consistent with the *SunRay-Suburban Small Area Plan*. While it does not provide new housing, it will provide services, convenience goods, and a full-service restaurant that can serve the surrounding community, as called for in both the *SunRay-Suburban Small Area Plan* and the *Comprehensive Plan*.

- (2) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met.

There will be two curb cuts along the site frontage, which measures more than 516 feet. The curb cut in the center of the site frontage provides both in and out movements, while the curb cut at the western end of the site frontage solely for exiting vehicles.

- (3) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.* This condition is met. The proposed development will reduce the amount of impervious surface on the existing site. Most of the existing site was paved and used for the storage of vehicles by the former auto showroom. In addition, extensive landscaping consistent with recent revisions to

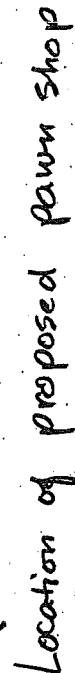
the parking code is proposed. Landscaping islands proposed for the center of the site, flanking the ingress and egress lane, will include rain gardens. Retention ponds are planned for both the extreme northeast and northwest corners of the site, adjacent to the I-94 highway. Both the ponds and the rain gardens, coupled with the reduction of impervious surface, will reduce the amount of stormwater runoff and will result in a development that will not be detrimental to the existing character of the area or endanger the public health, safety, and welfare.

(4) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* This condition is met. The uses is permitted in the B3 district, subject to a Conditional Use permit. The fast food restaurant to the west and the retail mall to the east will be unaffected by the use of this site for a pawn shop, an auto specialty store, and two drive-through fast food restaurants.

(5) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition is met. The use conforms to the B3 General Business district density and dimensional standards, and is consistent with the intent of the B3 district; specifically, businesses along major traffic arteries or adjacent to B2 Community Business districts. The site is located on Suburban Avenue, which is classified as a Collector in the Transportation chapter of the *Comprehensive Plan*. It is also immediately east of the B2 Community Business area centered around the intersection of Suburban and White Bear Avenues, adjacent to the on- and off-ramps to Interstate 94 at White Bear Avenue.

I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the Conditional Use Permits for a pawn shop with a modification of the required distance between the pawn shop and the alternative financial establishment at 1994 Suburban Avenue (the Piggy Bank), subject to the following conditions:

1. No outdoor sales are approved for this site.
2. Customer parking shall be located consistent with Section 63.200, as determined by site plan review.
3. The site shall be developed substantially in conformance with the site plan submitted with the application.



WARNING

THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY. THE EXCAVATING CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK. THE CONTRACTOR AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY HIS FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Red Dog Holdings LLC **FILE #** 11-112-696
 2. **APPLICANT:** Red Dog Holdings LLC **HEARING DATE:** April 7, 2011
 3. **TYPE OF APPLICATION:** Conditional Use Permit
 4. **LOCATION:** 1891 Suburban Ave, NW corner at Burns
 5. **PIN & LEGAL DESCRIPTION:** 352922330009, Registered Land Survey 276 Subj To Rds; Tract C
 6. **PLANNING DISTRICT:** 1 **PRESENT ZONING:** B3
 7. **ZONING CODE REFERENCE:** § 65.704; § 61.501
 8. **STAFF REPORT DATE:** March 28, 2011 **BY:** Penelope Simison
 9. **DATE RECEIVED:** February 17, 2011 **60-DAY DEADLINE FOR ACTION:** April 18, 2011
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- A. **PURPOSE:** Conditional Use Permit for an auto specialty store.
- B. **PARCEL SIZE:** 210,395 sq. ft. (4.83 acres) with 517 feet of frontage on Suburban Avenue
- C. **EXISTING LAND USE:** Auto Showroom/Lot/Auto Service
- D. **SURROUNDING LAND USE:**
North: Interstate 94 right-of-way
East: Retail (TN2)
South: Ramsey County pond and parkland (R2)
West: Fast food restaurant (B2)
- E. **ZONING CODE CITATION:** §65.704 lists the standards and conditions for an auto specialty store; §61.501 lists general conditions that must be met by all conditional uses.
- F. **HISTORY/DISCUSSION:** In October 2009, the Board of Zoning Appeals granted a variance to permit a freestanding pylon sign with electronic display within 660-foot distance from another electronic message sign. The decision was appealed to the City Council, which approved the appeal in January 2010.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 1 Council has submitted a letter in support of the request; District 1 subsequently submitted a letter requesting a detailed litter collection plan be prepared by the applicant. District 1 has also submitted emails from residents in opposition to the request. There is one email in support of the request.
- H. **FINDINGS:**
 1. The applicant proposes to develop a commercial center by renovating an existing auto showroom and repair facility and constructing three additional buildings for retail businesses. Proposed uses include a pawn shop; restaurants, including three fast food restaurants, two of which are proposed for drive-through service; and service businesses. An auto specialty store is also proposed as one of the businesses.

The applicant is requesting approval of four conditional use permits:

- ZF #11-103-193 – Conditional Use Permit for a pawn shop
- ZF #11-112-696 – Conditional Use Permit for an auto specialty store
- ZF #11-112-697 – Conditional Use Permit for a fast food restaurant with drive-through service in the proposed northeastern building
- ZF #11-112-698 – Conditional Use Permit for a fast food restaurant with drive-through service in the proposed southwestern building

The layout of the proposed site includes:

- Existing (southeast) building – 21,549 s.f. The proposed auto specialty store would be located in this building. Additional businesses proposed for this building include a pawn shop in the northwest portion of the building, with its entrance facing the parking lot in the

center of the site and a retail store.

- Northeast building – 5,104 s.f. This building is proposed to include a coffee shop with drive-through service and a fast food restaurant without drive-through service;
- Northwest building – 5,684 s.f. This building is proposed to include a full service restaurant that likely will sell beer, wine, and spirits;
- Southwest building – 9,796 s.f. This building is proposed to include four businesses, including a pet store, a hair salon, and a fast food restaurant with drive-through service.

The applicant proposes to provide 157 parking spaces. At one space for every 400 s.f. of gross floor area; 105 parking spaces are required. If the northwest building, proposed for a full service restaurant, serves beer and wine, 136 parking spaces are required; if the full service restaurant serves liquor, then 148 parking spaces are required. The applicant proposes to provide .88 acres of internal green landscaping. The parking code requires an equivalent of 15 percent of proposed impervious surfaces be landscaped, or .29 acres on this site.

2. Section 65.704 defines auto specialty store and provides standards and conditions that must be satisfied to permit the use, based on standards and conditions for auto service stations in Section 65.703, as follows:

- (a) *The construction and maintenance of all driveways, curbs, sidewalks, pump islands or other facilities shall be in accordance with current city specifications.* This condition is met.

The applicant stipulates that driveways, curbs, sidewalks and other facilities will be designed, constructed and maintained in accordance with current city standards. Section 65.704 prohibits the retail sale of automobile fuel on the premises, so there will be no pump islands.

- (b) *A ten-foot buffer area with screen planting and an obscuring wall or fence shall be required along any property line adjoining an existing residence or residentially zoned property.* This condition is not applicable. The adjoining properties, to the east and west, are not in a residential district nor improved with a residential use.

- (c) *The minimum lot area shall be fifteen thousand (15,000) square feet and so arranged that ample space is available for motor vehicles which are required to wait.* This condition is met. The existing site is 206,852 s.f., which exceeds the minimum lot area requirement.

3. §61.501 lists five standards that all conditional uses must satisfy:

- (1) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.* This condition is met.

The site falls within the SunRay-Suburban Small Area Plan "Village Center" node.

Objectives of the Village Center node include development of new housing as underutilized commercial land becomes available; the existing supermarket to function as a retail anchor; retail stores to provide services and convenience goods as well as locally-owned full-service restaurants that serve the surrounding community; creation of a community gathering place in close proximity to Ramsey County parkland; development of a civic building; sidewalks with pedestrian-friendly streetscape amenities; and, pedestrian trails to Ramsey County parkland on the south side of Suburban Ave. The area is also identified as a Neighborhood Center in the *Comprehensive Plan*, identified as compact, mixed-use areas with a range of housing types at high densities and commerce that provides goods and services for both nearby residents and those living in the surrounding community. Neighborhood Centers are also envisioned to provide community facilities and connections for pedestrians and bicyclists.

The site of the proposed development was once an auto showroom with ancillary repair facilities. Since the closure of the auto showroom, the building has been intermittently used for used car sales. The proposed development on the entirety of the site is consistent with the *SunRay-Suburban Small Area Plan*. While it does not provide new housing, it will provide services, convenience goods, and a full-service restaurant that can serve the surrounding community, as called for in both the *SunRay-Suburban Small Area Plan* and the *Comprehensive Plan*.

- (2) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. There will be two curb cuts along the site frontage, which measures more than 516 feet. The curb cut in the center of the site frontage provides both in and out movements, while the curb cut at the western end of the site frontage solely for exiting vehicles.
- (3) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.* This condition is met. The proposed development on the entirety of the site will reduce the amount of existing impervious surface. Most of the existing site was paved and used for the storage of vehicles for the former auto showroom business. In addition, extensive landscaping consistent with recent revisions to the parking code is proposed. Landscaping islands proposed for the center of the site, flanking the ingress and egress lane, will include rain gardens. Retention ponds are planned for both the extreme northeast and northwest corners of the site, adjacent to the I-94 highway. Both the ponds and the rain gardens, coupled with the reduction of impervious surface, will reduce the amount of stormwater runoff and will result in a development that will not be detrimental to the existing character of the area or endanger the public health, safety, and welfare.
- (4) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* This condition is met. An auto specialty store subject to a Conditional Use permit is permitted in the B3 district, is consistent with nearby uses, and will not impede development and improvement of surrounding property.
- (5) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition is met. The use conforms to the B3 General Business district density and dimensional standards, and is consistent with the intent of the B3 district; specifically, businesses along major traffic arteries or adjacent to B2 Community Business districts. The site is located on Suburban Avenue, which is classified as a Collector in the Transportation chapter of the *Comprehensive Plan*. It is also immediately east of the B2 Community Business area centered around the intersection of Suburban and White Bear Avenues, adjacent to the on- and off-ramps to Interstate 94 at White Bear Avenue.

1. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the Conditional Use Permits for an auto specialty store subject to the following additional condition(s):
 1. No outside sales are permitted on the site.
 2. Customer parking shall be located consistent with Section 63.200, as determined by site plan review.

3. The site shall be developed substantially in conformance with the site plan submitted with the application.

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ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Red Dog Holdings LLC
 2. **APPLICANT:** Red Dog Holdings LLC
 3. **TYPE OF APPLICATION:** Conditional Use Permit
 4. **LOCATION:** 1891 Suburban Ave, NW corner at Burns
 5. **PIN & LEGAL DESCRIPTION:** 352922330009, Registered Land Survey 276 Subj To Rds; Tract C
 6. **PLANNING DISTRICT:** 1
 7. **ZONING CODE REFERENCE:** § 65.615; § 65.613; § 61.501
 8. **STAFF REPORT DATE:** March 28, 2011
 9. **DATE RECEIVED:** February 17, 2011
- FILE # 11-112-698**
HEARING DATE: April 7, 2011
PRESENT ZONING: B3
BY: Penelope Simison
60-DAY DEADLINE FOR ACTION: April 18, 2011

- A. **PURPOSE:** Conditional Use Permit for a fast food restaurant with drive-through service, to be located in the southwest building of the proposed development.
- B. **PARCEL SIZE:** 210,395 sq. ft. (4.83 acres) with 517 feet of frontage on Suburban Avenue
- C. **EXISTING LAND USE:** Auto Showroom/Lot/Auto Service
- D. **SURROUNDING LAND USE:**
 - North: Interstate 94 right-of-way
 - East: Retail (TN2)
 - South: Ramsey County pond and parkland (R2)
 - West: Fast food restaurant (B2)
- E. **ZONING CODE CITATION:** §65.615 defines a fast food restaurant; §65.513 lists standards and conditions for drive-through sales and services; §61.501 lists general conditions that must be met by all conditional uses.
- F. **HISTORY/DISCUSSION:** In October 2009, the Board of Zoning Appeals granted a variance to permit a freestanding pylon sign with electronic display within 660-foot distance from another electronic message sign. The decision was appealed to the City Council, which approved the appeal in January 2010.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 1 Council has submitted a letter in support of the request; District 1 subsequently submitted a letter requesting a detailed litter collection plan be prepared by the applicant. District 1 has also submitted emails from residents in opposition to the request. There is one email in support of the request.
- H. **FINDINGS:**
 1. The applicant proposes to develop a commercial center by renovating an existing auto showroom and repair facility and constructing three additional buildings for retail businesses. Proposed uses include a pawn shop; restaurants, including three fast food restaurants, two of which are proposed for drive-through service; and service businesses. An auto specialty store is also proposed as one of the businesses.

The applicant is requesting approval of four conditional use permits:

- ZF #11-103-193 – Conditional Use Permit for a pawn shop
- ZF #11-112-696 – Conditional Use Permit for an auto specialty store
- ZF #11-112-697 – Conditional Use Permit for a fast food restaurant with drive-through service in the proposed new northeastern building
- ZF #11-112-698 – Conditional Use Permit for a fast food restaurant with drive-through service in the proposed new southwestern building

The proposed layout of the site includes:

- Existing (southeast) building – 21,549 s.f. The proposed auto specialty store would be

located in this building. Additional businesses proposed for this building include a pawn shop in the northwest portion of the building, with its entrance facing the parking lot in the center of the site and a retail store.

- Northeast building – 5,104 s.f. This building is proposed to include a coffee shop with drive-through service and a fast food restaurant without drive-through service;
- Northwest building – 5,684 s.f. This building is proposed to include a full service restaurant that likely will sell beer, wine, and spirits;
- Southwest building – 9,796 s.f. This building is proposed to include four businesses, including a pet store, a hair salon, and a fast food restaurant with drive-through service.

The applicant proposes to provide 157 parking spaces. At one space for every 400 s.f. of gross floor area; 105 parking spaces are required. If the northwest building, proposed for a full service restaurant, serves beer and wine, 136 parking spaces are required; if the full service restaurant serves liquor, then 148 parking spaces are required. The applicant proposes to provide .88 acres of internal green landscaping. The parking code requires an equivalent of 15 percent of proposed impervious surfaces be landscaped, or .29 acres on this site.

2. Section 65.615 provides standards and conditions for fast food restaurants. Fast food restaurants are permitted in the B3 zoning district subject to the following conditions:

- (a) *Except in I1-I2 Industrial Districts, a conditional use permit is required for establishments of more than 10,000 square feet in gross floor area, and for any establishment with drive-through service. In TN2-TN3 Traditional Neighborhood Districts, these uses are intended to be of a moderate size compatible with neighborhood-level retail.* This condition is met. The fast food restaurant with drive-through service has applied for a conditional use permit. The fast food restaurant without drive-through service is 2,800 s.f. and does not require a conditional use permit.
- (b) *In the B2 Community Business District, fast-food restaurants shall be incorporated within a multi-use retail center, and shall not provide drive-through service.* This condition is not applicable. The site is located in the B3 General Business district.
- (c) *Drive through service shall meet the standards and conditions in Sec. 65.513. Drive-through sales and services, primary and accessory.* This condition is met. Standards and conditions for drive-through sales and service are discussed below.
- (d) *Points of vehicular ingress and egress shall not be onto a street which is used primarily for access to abutting residential property.* This condition is met. Vehicular ingress and egress is onto a public street that is not used for access to an abutting residential property.
- (e) *Points of vehicular ingress and egress shall be located at least sixty (60) feet from the intersection of any two (2) streets and at least sixty (60) feet from any abutting residentially zoned property.* This condition is met. Vehicular ingress and egress is located roughly at the mid-point of the Suburban Avenue frontage. There is also a drive for vehicular egress adjacent to the west property line. Both driveways are more than 60 feet from the T-intersection where Burns Avenue intersects with Suburban Avenue.
- (f) *When the site abuts an alley which also serves residentially zoned land, no access from the site to the alley shall be permitted.* This condition is not applicable. There is no alley abutting the site.
- (g) *Trash receptacles shall be housed in a three-sided masonry enclosure, six (6) feet high, or equal in height to the dumpster, whichever is greater, and have an entrance gate constructed of a durable, opaque material.* This condition is met. Trash receptacles are provided adjacent to the northeast building.

(h) *A litter collection plan shall be developed and submitted to the planning commission, which obligates the restaurant operator to keep the area surrounding said restaurant free of restaurant litter for a reasonable specified distance.* This condition can be met provided a condition is attached to the approval that the applicant submit a master litter collection plan as a part of site plan review. The master litter collection plan shall include proof the applicant has retained a property maintenance firm to keep the site free of litter or shall include proof that, after buildings are constructed and leases by restaurants are signed, responsibility for litter collection will be assigned to the restaurant in the northeast building. The litter collection plan shall address the following operational issues:

- The trash receptacle is for the exclusive use of the fast food restaurant in the northeast building.
- A description of the hours of operation of the fast food restaurant and how those hours are divided into employee shifts.
- A description of the numbers of times within each shift when restaurant employees will police the site to collect and to dispose of litter.
- Trash receptacles will be inspected at least twice during each shift to determine if there is sufficient space within each one to accommodate additional trash and emptied as needed.

(i) *A landscaped area not less than fifteen (15) percent of the impervious surface area of the lot shall be provided and maintained.* This condition is met. The applicant proposes to provide .88 acres of internal green landscaping for the entire site. The parking code requires an equivalent of 15 percent of proposed impervious surfaces be landscaped, or .29 acres on this site.

(j) *Impact on adjoining property by use of the site may not result in the following:*

- (1) *Loud, boisterous and disturbing noise levels.*
- (2) *Hazardous traffic conditions.*
- (3) *Offensive, obnoxious and disturbing odors.*
- (4) *Excessive litter.*
- (5) *Excessive artificial lighting.*
- (6) *Substantial decrease in adjoining property values.*

This condition is met. Site plan approval will address items 2 and 5. The applicant has provided information regarding the other factors. Given the location of the site, a business district with comparable uses on adjoining properties, decreases in adjoining property values is unlikely.

5. Section 65.513 provides standards and conditions for drive-through sales and services that must be satisfied, as follows:

(a) *Drive-through lanes and service windows shall be located to the side or rear of buildings, shall not be located between the principal structure and a public street, and shall be at least sixty (60) feet from the closest point of any residentially zoned property or property occupied with a one-, two-, or multiple-family dwelling.* This condition is met.

In the southwestern building, the drive-through lane and service window is located on the side of the principal structure, adjacent to the fast food restaurant to the west, and is not between the structure and the public street. It is more than 60 feet from the closest point of any residentially zoned property; specifically, the Ramsey County pond and parkland.

(b) *Points of vehicular ingress and egress shall be located at least sixty (60) feet from the*

intersection of two streets and at least sixty (60) feet from abutting residentially zoned property. This condition is met. Vehicular ingress and egress is located roughly at the mid-point of the Suburban Avenue frontage. There is also a drive for vehicular egress adjacent to the west property line. Vehicular ingress and egress is more than 60 feet from the T-intersection where Burns Avenue intersects with Suburban Avenue. In addition, ingress and egress is more than 60 feet from abutting residentially zoned property; specifically, the Ramsey County pond and parkland.

- (c) *Speaker box sounds from the drive-through lane shall not be plainly audible so as to unreasonably disturb the peace and quiet of abutting residentially zoned property.* This condition is met. The abutting residentially zoned property is the Ramsey County pond and parkland on the south side of Suburban Avenue. The speaker box is more than 150 feet from the pond and parkland, and its sounds will not unreasonably disturb the peace and quiet of the abutting residentially zoned property.
- (d) *A six-foot buffer area with screen planting and an obscuring wall or fence shall be required along any property line adjoining an existing residence or residentially zoned property.* This condition is not applicable. There is no existing residence or residentially zoned property adjoining the site.
- (e) *Stacking spaces shall be provided for each drive-through lane. Banks, credit unions, and fast-foot restaurants shall provide a minimum of four (4) stacking spaces per drive-through lane.* This condition is met. There are six stacking spaces for the drive-through lane.

3. §61.501 lists five standards that all conditional uses must satisfy:

- (1) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.* This condition is met.

The site falls within the *SunRay-Suburban Small Area Plan* "Village Center" node. Objectives of the Village Center node include development of new housing as underutilized commercial land becomes available; the existing supermarket to function as a retail anchor; retail stores to provide services and convenience goods as well as locally-owned full-service restaurants that serve the surrounding community; creation of a community gathering place in close proximity to Ramsey County parkland; development of a civic building; sidewalks with pedestrian-friendly streetscape amenities; and, pedestrian trails to Ramsey County parkland on the south side of Suburban Ave. The area is also identified as a Neighborhood Center in the *Comprehensive Plan*, identified as compact, mixed-use areas with a range of housing types at high densities and commerce that provides goods and services for both nearby residents and those living in the surrounding community. Neighborhood Centers are also envisioned to provide community facilities and connections for pedestrians and bicyclists.

The site of the proposed development was once an auto showroom with ancillary repair facilities. Since the closure of the auto showroom, the building has been intermittently used for used car sales. The proposed development on the entirety of the site is consistent with the *SunRay-Suburban Small Area Plan*. While it does not provide new housing, it will provide services, convenience goods, and a full-service restaurant that can serve the surrounding community, as called for in both the *SunRay-Suburban Small Area Plan* and the

Comprehensive Plan.

- (2) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets. This condition is met.*

There will be two curb cuts along the site frontage, which measures more than 516 feet. The curb cut in the center of the site frontage provides both in and out movements, while the curb cut at the western end of the site frontage solely for exiting vehicles.

- (3) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare. This condition is met. The proposed development on the entirety of the site will reduce the amount of existing impervious surface on the site. In addition, extensive landscaping consistent with recent revisions to the parking code is proposed. Landscaping islands proposed for the center of the site, flanking the ingress and egress lane, will include rain gardens. Retention ponds are planned for both the extreme northeast and northwest corners of the site, adjacent to the I-94 highway. Both the ponds and the rain gardens, coupled with the reduction of impervious surface, will reduce the amount of stormwater runoff and will result in a development that will not be detrimental to the existing character of the area or endanger the public health, safety, and welfare.*

- (4) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. This condition is met. A fast food restaurant with drive-through service is permitted in the B3 district, subject to a Conditional Use permit.*

- (5) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located. This condition is met. The use conforms to the B3 General Business district density and dimensional standards, and is consistent with the intent of the B3 district; specifically, businesses along major traffic arteries or adjacent to B2 Community Business districts. The site is located on Suburban Avenue, which is classified as a Collector in the Transportation chapter of the *Comprehensive Plan*. It is also immediately east of the B2 Community Business area centered around the intersection of Suburban and White Bear Avenues, adjacent to the on- and off-ramps to Interstate 94 at White Bear Avenue.*

I. STAFF RECOMMENDATION: Based on the above findings, staff recommends approval of a Conditional Use Permit for a fast food restaurant with drive-through service in the proposed southwest building subject to the following additional condition(s):

1. No outdoor sales are approved for this site.
2. Customer parking shall be located consistent with Section 63.200, as determined by site plan review.
3. The site shall be developed substantially in conformance with the site plan submitted with the application.
4. The applicant shall submit a master litter collection plan as a part of site plan review. The master litter collection plan shall include proof the applicant has retained a property maintenance firm to keep the site free of litter or shall include proof that, after buildings are constructed and leases by restaurants are signed, responsibility for litter collection will be assigned to the restaurant in the southwest building. The plan shall address the following

operational issues:

- The trash receptacle is for the exclusive use of the fast food restaurant in the southwest building.
 - A description of the hours of operation of the fast food restaurant and how those hours are divided into employee shifts.
 - A description of the numbers of times within each shift when restaurant employees will police the site to collect and to dispose of litter.
 - Trash receptacles will be inspected at least twice during each shift to determine if there is sufficient space within each one to accommodate additional trash and emptied as needed.
5. Trash receptacles shall be housed in a three-sided masonry enclosure, six (6) feet high, or equal in height to the dumpster, whichever is greater, and have an entrance gate constructed of a durable, opaque material.

SCALE	IN	FE

WARNING
THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE MANNER ONLY. THE EXCAVATING CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF UTILITIES BEFORE COMMENCING WORK. THE CONTRACTOR AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY HIS FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Red Dog Holdings LLC **FILE #** 11-112-697
 2. **APPLICANT:** Red Dog Holdings LLC **HEARING DATE:** April 7, 2011
 3. **TYPE OF APPLICATION:** Conditional Use Permit
 4. **LOCATION:** 1891 Suburban Ave, NW corner at Burns
 5. **PIN & LEGAL DESCRIPTION:** 352922330009, Registered Land Survey 276 Subj To Rds; Tract C
 6. **PLANNING DISTRICT:** 1 **PRESENT ZONING:** B3
 7. **ZONING CODE REFERENCE:** §65.515; §65.613; § 61.501
 8. **STAFF REPORT DATE:** March 28, 2011 **BY:** Penelope Simison
 9. **DATE RECEIVED:** February 17, 2011 **60-DAY DEADLINE FOR ACTION:** April 18, 2011
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- A. **PURPOSE:** Conditional Use Permit for a fast food restaurant with drive-through service, to be located in the northeast building of the proposed development.
- B. **PARCEL SIZE:** 210,395 sq. ft. (4.83 acres) with 517 feet of frontage on Suburban Avenue
- C. **EXISTING LAND USE:** Auto Showroom/Lot/Auto Service
- D. **SURROUNDING LAND USE:**
North: Interstate 94 right-of-way
East: Retail (TN2)
South: Ramsey County pond and parkland (R2)
West: Fast food restaurant (B2)
- E. **ZONING CODE CITATION:** §65.615 defines a fast food restaurant; §65.513 lists standards and conditions for drive-through sales and services; §61.501 lists general conditions that must be met by all conditional uses.
- F. **HISTORY/DISCUSSION:** In October 2009, the Board of Zoning Appeals granted a variance to permit a freestanding pylon sign with electronic display within 660-foot distance from another electronic message sign. The decision was appealed to the City Council, which approved the appeal in January 2010.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 1 Council has submitted a letter in support of the request; District 1 subsequently submitted a letter requesting a detailed litter collection plan be prepared by the applicant. District 1 has also submitted emails from residents in opposition to the request. There is one email in support of the request.
- H. **FINDINGS:**
 1. The applicant proposes to develop a commercial center by renovating an existing auto showroom and repair facility and constructing three additional buildings for retail businesses. Proposed uses include a pawn shop; restaurants, including three fast food restaurants, two of which are proposed for drive-through service; and service businesses. An auto specialty store is also proposed as one of the businesses.

The applicant is requesting approval of four conditional use permits:

- ZF #11-103-193 – Conditional Use Permit for a pawn shop
- ZF #11-112-696 – Conditional Use Permit for an auto specialty store
- ZF #11-112-697 – Conditional Use Permit for a fast food restaurant with drive-through service in the proposed new northeastern building
- ZF #11-112-698 – Conditional Use Permit for a fast food restaurant with drive-through service in the proposed new southwestern building

The proposed layout of the site includes:

- Existing (southeast) building – 21,549 s.f. The proposed auto specialty store would be

located in this building. Additional businesses proposed for this building include a pawn shop in the northwest portion of the building, with its entrance facing the parking lot in the center of the site and a retail store.

- Northeast building – 5,104 s.f. This building is proposed to include a coffee shop with drive-through service and a fast food restaurant without drive-through service;
- Northwest building – 5,684 s.f. This building is proposed to include a full service restaurant that likely will sell beer, wine, and spirits;
- Southwest building – 9,796 s.f. This building is proposed to include four businesses, including a pet store, a hair salon, and a fast food restaurant with drive-through service.

The applicant proposes to provide 157 parking spaces. At one space for every 400 s.f. of gross floor area; 105 parking spaces are required. If the northwest building, proposed for a full service restaurant, serves beer and wine, 136 parking spaces are required; if the full service restaurant serves liquor, then 148 parking spaces are required. The applicant proposes to provide .88 acres of internal green landscaping. The parking code requires an equivalent of 15 percent of proposed impervious surfaces be landscaped, or .29 acres on this site.

2. Section 65.615 provides standards and conditions for fast food restaurants. Fast food restaurants are permitted in the B3 zoning district subject to the following conditions:

- (a) Except in I1-I2 Industrial Districts, a conditional use permit is required for establishments of more than 10,000 square feet in gross floor area, and for any establishment with drive-through service. In TN2-TN3 Traditional Neighborhood Districts, these uses are intended to be of a moderate size compatible with neighborhood-level retail.* This condition is met. The fast food restaurant with drive-through service has applied for a conditional use permit. The fast food restaurant without drive-through service is 2,800 s.f. and does not require a conditional use permit in the B3 district.
- (b) In the B2 Community Business District, fast-food restaurants shall be incorporated within a multi-use retail center, and shall not provide drive-through service.* This condition is not applicable. The site is located in the B3 General Business district.
- (c) Drive through service shall meet the standards and conditions in Sec. 65.513. Drive-through sales and services, primary and accessory.* This condition is met. Standards and conditions for drive-through sales and service are discussed below.
- (d) Points of vehicular ingress and egress shall not be onto a street which is used primarily for access to abutting residential property.* This condition is met. Vehicular ingress and egress is onto a public street that is not used for access to an abutting residential property.
- (e) Points of vehicular ingress and egress shall be located at least sixty (60) feet from the intersection of any two (2) streets and at least sixty (60) feet from any abutting residentially zoned property.* This condition is met. Vehicular ingress and egress is located roughly at the mid-point of the Suburban Avenue frontage. There is also a drive for vehicular egress adjacent to the west property line. Both driveways are more than 60 feet from the T-intersection where Burns Avenue intersects with Suburban Avenue.
- (f) When the site abuts an alley which also serves residentially zoned land, no access from the site to the alley shall be permitted.* This condition is not applicable. There is no alley abutting the site.
- (g) Trash receptacles shall be housed in a three-sided masonry enclosure, six (6) feet high, or equal in height to the dumpster, whichever is greater, and have an entrance gate constructed of a durable, opaque material.* This condition is met. Trash receptacles are provided adjacent to the northeast building.

(h) *A litter collection plan shall be developed and submitted to the planning commission, which obligates the restaurant operator to keep the area surrounding said restaurant free of restaurant litter for a reasonable specified distance.* This condition can be met if a condition of approval is that the applicant submit a master litter collection plan as a part of site plan review. The master litter collection plan shall include proof the applicant has retained a property maintenance firm to keep the site free of litter or shall include proof that, after buildings are constructed and leases by restaurants are signed, responsibility for litter collection will be assigned to the restaurant in the northeast building. The plan shall address the following operational issues:

- The trash receptacle is for the exclusive use of the fast food restaurant in the northeast building.
- A description of the hours of operation of the fast food restaurant and how those hours are divided into employee shifts.
- A description of the numbers of times within each shift when restaurant employees will police the site to collect and to dispose of litter.
- Trash receptacles will be inspected at least twice during each shift to determine if there is sufficient space within each one to accommodate additional trash and emptied as needed.

(i) *A landscaped area not less than fifteen (15) percent of the impervious surface area of the lot shall be provided and maintained.* This condition is met. The applicant proposes to provide .88 acres of internal green landscaping for the entire site. The parking code requires an equivalent of 15 percent of proposed impervious surfaces be landscaped, or .29 acres on this site.

(j) *Impact on adjoining property by use of the site may not result in the following:*

- (1) *Loud, boisterous and disturbing noise levels.*
- (2) *Hazardous traffic conditions.*
- (3) *Offensive, obnoxious and disturbing odors.*
- (4) *Excessive litter.*
- (5) *Excessive artificial lighting.*
- (6) *Substantial decrease in adjoining property values.*

This condition is met. Site plan approval will address items 2 and 5. The applicant has provided information regarding the other factors. Given the location of the site, a business district with comparable uses on adjoining properties, decreases in adjoining property values is unlikely.

5. Section 65.513 provides standards and conditions for drive-through sales and services that must be satisfied, as follows:

(a) *Drive-through lanes and service windows shall be located to the side or rear of buildings, shall not be located between the principal structure and a public street, and shall be at least sixty (60) feet from the closest point of any residentially zoned property or property occupied with a one-, two-, or multiple-family dwelling.* This condition is met. The drive-through lane and service window is located on the rear side of the building, adjacent to Interstate 94 right-of-way, and is not between the principal structure and Suburban Avenue, a public street. It is more than 60 feet from the closest point of any residentially zoned property; specifically, the Ramsey County pond and parkland.

(b) *Points of vehicular ingress and egress shall be located at least sixty (60) feet from the*

intersection of two streets and at least sixty (60) feet from abutting residentially zoned property. This condition is met. Vehicular ingress and egress is located roughly at the mid-point of the Suburban Avenue frontage. There is also a drive for vehicular egress adjacent to the west property line. Vehicular ingress and egress is more than 60 feet from the T-intersection where Burns Avenue intersects with Suburban Avenue. In addition, ingress and egress is more than 60 feet from abutting residentially zoned property; specifically, the Ramsey County pond and parkland.

- (c) *Speaker box sounds from the drive-through lane shall not be plainly audible so as to unreasonably disturb the peace and quiet of abutting residentially zoned property.* This condition is met. The abutting residentially zoned property is the Ramsey County pond and parkland on the south side of Suburban Avenue. The speaker box is more than 400 feet from the Ramsey County pond and parkland and its sounds will not unreasonably disturb the peace and quiet of the abutting residentially zoned property
- (d) *A six-foot buffer area with screen planting and an obscuring wall or fence shall be required along any property line adjoining an existing residence or residentially zoned property.* This condition is not applicable. There is no existing residence or residentially zoned property adjoining the site.
- (e) *Stacking spaces shall be provided for each drive-through lane. Banks, credit unions, and fast-foot restaurants shall provide a minimum of four (4) stacking spaces per drive-through lane.* This condition is met. There are six stacking spaces for the drive-through lane.

3. §61.501 lists five standards that all conditional uses must satisfy:

- (1) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.* This condition is met.

The site falls within the *SunRay-Suburban Small Area Plan* "Village Center" node.

Objectives of the Village Center node include development of new housing as underutilized commercial land becomes available; the existing supermarket to function as a retail anchor; retail stores to provide services and convenience goods as well as locally-owned full-service restaurants that serve the surrounding community; creation of a community gathering place in close proximity to Ramsey County parkland; development of a civic building; sidewalks with pedestrian-friendly streetscape amenities; and, pedestrian trails to Ramsey County parkland on the south side of Suburban Ave. The area is also identified as a Neighborhood Center in the *Comprehensive Plan*, identified as compact, mixed-use areas with a range of housing types at high densities and commerce that provides goods and services for both nearby residents and those living in the surrounding community. Neighborhood Centers are also envisioned to provide community facilities and connections for pedestrians and bicyclists.

The site of the proposed development was once an auto showroom with ancillary repair facilities. Since the closure of the auto showroom, the building has been intermittently used for used car sales. The proposed development on the entirety of the site is consistent with the *SunRay-Suburban Small Area Plan*. While it does not provide new housing, it will provide services, convenience goods, and a full-service restaurant that can serve the surrounding community, as called for in both the *SunRay-Suburban Small Area Plan* and the

Comprehensive Plan.

- (2) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. There will be two curb cuts along the site frontage, which measures more than 516 feet. The curb cut in the center of the site frontage provides both in and out movements, while the curb cut at the western end of the site frontage solely for exiting vehicles.
- (3) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.* This condition is met. The proposed development on the entirety of the site will reduce the amount of existing impervious surface on the site. Most of the existing site was paved and used for the storage of vehicles for the former auto showroom business. In addition, extensive landscaping consistent with recent revisions to the parking code is proposed. Landscaping islands proposed for the center of the site, flanking the ingress and egress lane, will include rain gardens. Retention ponds are planned for both the extreme northeast and northwest corners of the site, adjacent to the I-94 highway. Both the ponds and the rain gardens, coupled with the reduction of impervious surface, will reduce the amount of stormwater runoff and will result in a development that will not be detrimental to the existing character of the area or endanger the public health, safety, and welfare.
- (4) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* This condition is met. A fast food restaurant with drive-through service subject to a Conditional Use permit is permitted in the B3 district, is consistent with nearby uses, and will not impede development and improvement of nearby property.
- (5) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition is met. The use conforms to the B3 General Business district density and dimensional standards, and is consistent with the intent of the B3 district; specifically, businesses along major traffic arteries or adjacent to B2 Community Business districts. The site is located on Suburban Avenue, which is classified as a Collector in the Transportation chapter of the *Comprehensive Plan*. It is also immediately east of the B2 Community Business area centered around the intersection of Suburban and White Bear Avenues, adjacent to the on- and off-ramps to Interstate 94 at White Bear Avenue.

I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of a Conditional Use Permit for a fast food restaurant with drive-through service in the northeast building subject to the following additional condition(s):

1. No outdoor sales are approved for this site.
2. Customer parking shall be located consistent with Section 63.200, as determined by site plan review.
3. The site shall be developed substantially in conformance with the site plan submitted with the application.
4. The applicant shall submit a master litter collection plan as a part of site plan review. The master litter collection plan shall include proof the applicant has retained a property maintenance firm to keep the site free of litter or shall include proof that, after buildings are

constructed and leases by restaurants are signed, responsibility for litter collection will be assigned to the restaurant in the northeast building. The plan shall address the following operational issues:

- The trash receptacle is for the exclusive use of the fast food restaurant in the northeast building.
 - A description of the hours of operation of the fast food restaurant and how those hours are divided into employee shifts.
 - A description of the numbers of times within each shift when restaurant employees will police the site to collect and to dispose of litter.
 - Trash receptacles will be inspected at least twice during each shift to determine if there is sufficient space within each one to accommodate additional trash and emptied as needed.
5. Trash receptacles shall be housed in a three-sided masonry enclosure, six (6) feet high, or equal in height to the dumpster, whichever is greater, and have an entrance gate constructed of a durable, opaque material.

4.75	AC	TOTAL SITE
0.48	AC	EX. BUILDING
1.95	AC	EX. PARKING/SIDEWALKS
1.44	AC	EX. IMPERVIOUS
0.37	AC	EX. PERVIOUS
0.87	AC	PROP. BUILDINGS (INCL. EX. BUILDING)
2.24	AC	PROP. PARKING/SIDEWALKS
1.31	AC	PROP. IMPERVIOUS
1.54	AC	PROP. PERVIOUS

- LAYOUT NEW CURBS AND BUILDINGS PARALLEL TO EX. BUILDING.
- ALL SIDEWALKS TO HAVE 2.0% CROSS SLOPE.
- SPOT ELEV. SHOWN ARE TO GUTTER GRADE UNLESS SHOWN OTHERWISE.
- DIMENSIONS SHOWN ARE TO FACE OF CURB (8" TO BACK OF CURB).
- PARKING/DRIVE GRADIENTS ARE 2.0% MIN. AND 5.0% MAX.
- CURB TYPE IS MOOT 8812, UNLESS SHOWN OTHERWISE.

NW BLDG.(A)	5884 SF
NE BLDG.(B)	8104 SF
SW BLDG.(C)	9786 SF
SE BLDG.(D)	21,849 SF
TOTAL SF	42,133 SF
MIN. REQD. PARKING	-
MAX. REQD. PARKING	-

GENERAL NOTES (PER CITY OF ST. PAUL)

ALL WORK ON CURBS AND SIDEWALKS WITHIN THE PUBLIC RIGHT OF WAY MUST BE DONE BY A LICENSED AND BONDED CONTRACTOR UNDER A PERMIT FROM PUBLIC WORKS SIDEWALK SECTION (631-288-6120). SIDEWALK GRADES MUST BE CARRIED ACROSS DRIVEWAYS.

[illegible]

THE INSTALLATION OF PRIVATE ELECTRICAL WIRING, CONDUIT, RECEPTACLES AND/ OR LIGHTING IS STRICTLY PROHIBITED IN THE CITY'S RIGHT OF WAY (ROW).

EXCAVATE MUST BE TAKEN DURING CONSTRUCTION AND EXCAVATION TO PROTECT ANY SURVEY MONUMENTS AND/ OR PROPERTY IRONS. CALL SAN GABRIEL OF PUBLIC WORKS SURVEYING (651-288-4075) IF YOU HAVE ANY QUESTIONS.

INSPECTION CONTACT: THIS DEVELOPER SHALL CONTACT THE RIGHT OF WAY INSPECTOR, BILL MCGONAGALD (861-465-0419) ONE WEEK PRIOR TO BEGINNING OF WORK, TO DISCUSS TRAFFIC CONTROL, PEDESTRIAN SAFETY AND COORDINATION OF ALL WORK IN THE PUBLIC RIGHT OF WAY.

SAFETY WORK SITE REQUIREMENTS: THE CONTRACTOR SHALL PROVIDE A CONTINUOUS, ACCESSIBLE AND SAFE PEDESTRIAN WALKWAY THAT MEETS ADA AND MN MUTED STANDARDS IF WORKING IN A SIDEWALK AREA, AND TRAFFIC CONTROL PER MN MUTED REQUIREMENTS IF WORKING IN THE STREET.

ON PRIVATE FACILITIES IN THE RIGHT OF WAY: THE DEVELOPER IS STRICTLY PROHIBITED FROM INSTALLING PRIVATE ELECTRICAL, WIRING, CONDUIT, RECEPTACLES OR CABLE OR LIGHTING IN THE CITY'S RIGHT OF WAY. THIS INCLUDES STUBBING CONDUIT OR CABLE INTO THE PUBLIC RIGHT OF WAY TO ACCOMMODATE UTILITY FEEDS TO THE SITE. COORDINATE WITH THE UTILITY ENGINEER PRIOR TO CONSTRUCTION TO DETERMINE FEED POINTS INTO THE PROPERTY. UTILITIES ARE RESPONSIBLE FOR SECURING EXCAVATION PERMITS TO RUN THEIR SERVICES THROUGH THE CITY'S RIGHT OF WAY. WHEN REQUIRED, SUBMITTING PLANS FOR REVIEW BY THE PUBLIC WORKS DEPARTMENT. A REVIEW COMMENT SHEET WILL BE PROVIDED TO THE DEVELOPER.

SHOULD OTHER EXCAVATION WORK IN THE RIGHT OF WAY BECOME NECESSARY, AS PER THE CITY'S "STANDARD SPECIFICATION FOR STREET OPENINGS" POLICY, RESTORATION ON BROADWAY SURFACES LESS THAN 5 YEARS OLD WILL REQUIRE FULL, WIDTH MILL AND OVERLAY OR ADDITIONAL DEGRADATION FEES. PAVEMENT RESTORATION SHALL BE COMPLETED BY THE ST. PAUL PUBLIC WORKS STREET MAINTENANCE DIVISION. ALL RELATED COSTS ARE THE RESPONSIBILITY OF THE DEVELOPER/ CONTRACTOR. CONTACT KEVIN NELSON


ORDERING CONSTRUCTION AND EXCAVATION PERMITS: CONTACT PUBLIC WORKS BUREAU OF WAY AND SERVICE DEPT. (651-288-4131). IT IS STRONGLY RECOMMENDED THAT CONTRACTORS CALL FOR COST ESTIMATES PRIOR TO BIDDING TO OBTAIN ACCURATE COST ESTIMATES.

CONSTRUCTION PERMITS: THE CONTRACTOR MUST OBTAIN AN CONSTRUCTION PERMIT IF CONSTRUCTION INCLUDING SILT FENCES WILL BLOCK CITY STREETS, SIDEWALKS OR ALLEYS, OR IF DRIVING OVER CURBS.

EXCAVATION PERMITS: ALL DIGGING IN THE PUBLIC RIGHT OF WAY REQUIRES AN EXCAVATION PERMIT. IF THE PROPOSED BUILDING IS CLOSE TO THE RIGHT OF WAY, AND EXCAVATING INTO THE RIGHT OF WAY IS NEEDED TO FACILITATE CONSTRUCTION, CONTACT THE UTILITY INSPECTOR.

REQUIREMENTS TO WORK IN THE PUBLIC RIGHT-OF-WAY: ALL UTILITIES AND CONTRACTORS WORKING IN THE PUBLIC RIGHT-OF-WAY MUST BE REGISTERED, INSURED AND BONDED, AS RECOGNIZED BY THE PUBLIC WORKS SERVICE DESK. (851-286-4191).

UNCLASSIFIED//FOR OFFICIAL USE ONLY



 DENOTES SOIL FENCE/GRADING LIMIT:

 DENOTES EXISTING CONTOURS.

 DENOTES PROPOSED CONTOURS

 DENOTES PROPERTY BOUNDARY

DENOTES STORM SEWER
 DENOTES SANITARY SEWER
 DENOTES WATERMAIN
 DENOTES EXISTING SPOT ELEVATION
 INCLUDES BENCHMARK, BEARS NO RELATION

559.0 DENOTES EMERGENCY OVERFLOW ELEVATION

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SCALE

of NS building

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Age Group	2006 (%)	2008 (%)
18-29	85	85
30-49	80	80
50-69	75	75
70+	65	65

PRELIMINARY SITE PLAN

27/2011

SECRET NO. 1

10-118.

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WARNING

THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY. THE EXCAVATING CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ANY ALL EXISTING UTILITIES BEFORE COMMENCING WORK. THE CONTRACTOR AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY HIS FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.

Location of proposed fast food - NE building



CONDITIONAL USE PERMIT APPLICATION

Department of Planning and Economic Development

Zoning Section

1400 City Hall Annex

25 West Fourth Street

Saint Paul, MN 55102-1634

(651) 266-6589

Zoning office use only

File #

File #

File #

Permittee's Name

3-24-11

352922330009

APPLICANT

Name MARK SMITH, RED DOG HOLDINGS, LLC
Address 34 13TH AVE NE, SUITE 104
City MINNEAPOLIS St. MN Zip 55413 Daytime Phone 612.455.1083
Name of Owner (if different) LARRY REID, LESS HOLDINGS, LLC
Contact Person (if different) ARCHITECT - SHELDON BEPko Phone 612.676.2719
ATTORNEY - PATRICK SMITH 612-825.9784

PROPERTY LOCATION

Address / Location 1891 SUBURBAN AVE
Legal Description SEE ATTACHED
Current Zoning B3
(attach additional sheet if necessary)

TYPE OF PERMIT:

Application is hereby made for a Conditional Use Permit under provisions of

Chapter 65, Section 531, Paragraph b & c of the Zoning Code. PAWN SHOP
65, Section 513, Paragraph 515 of the Zoning Code. DRIVE THROUGH FAST FOOD
65, Section 615

SUPPORTING INFORMATION: Explain how the use will meet all of the applicable standards and conditions. If you are requesting modification of any special conditions or standards for a conditional use, explain why the modification is needed and how it meets the requirements for modification of special conditions in Section 61.502 of the Zoning Code. Attach additional sheets if necessary.

SEE ATTACHED

RECEIVED

FEB 22 2011

Per _____

CK27841

1600⁰⁰

☒ Required site plan is attached

Applicant's Signature

Date

2/17/11

City Agent

pd 2/22/11

February 17, 2011 Revised March 7, 2011

Department of Planning and Economic Development
Zoning Section
1400 City Hall Annex
25 Fourth Street West
Saint Paul, MN 55102

Project: Suburban Town Center - 1891 Suburban Avenue

Subject: Findings for Conditional Use – Pawn Shop

The potential owner of the property located at 1891 Suburban Avenue respectfully request approval of a Conditional Use Permit for the renovation of the existing building and its site for use as a new Max It Pawn store.

The items listed below address the required findings of City of St. Paul Code, Section 61.501 and 65.531.

Section 61.501 – Conditional use permit, general standards

- (a) The extent, location and intensity of the use will be in substantial compliance with the St. Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.

The site is zoned as a B3 Business. The proposed use as a pawnshop is consistent with the types of uses identified in this district, most specifically retail.

- (b) The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.

The existing site access opens directly onto Suburban Avenue. The two proposed access points will be in the same general locations as currently exist. The proposed parking lot will reduce the number of parking stalls, which will reduce this site's affect on any traffic congestion in this part of the city.

- (c) The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.

This area of the city currently has a variety of uses including large and small retail and fast food establishments. The proposed renovation of this existing building for partial use as a pawnshop maintains the current character of the neighborhood. The greening of the site will greatly enhance its character and better compliment the parkland across Suburban Avenue to the south. This use will not have a negative affect on the public health, safety or general welfare.

- (d) The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

This part of Suburban Avenue is fully developed as a mixed-use district. The proposed addition of this pawnshop will enhance this district by providing another type of retail opportunity. This development should have no effect on the ability to further develop the surrounding properties.

- (e) The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

A pawnshop is a permitted conditional use within the B-3 district. The renovation of the building will conform to the regulations of the zoning ordinance.

Section 65.531 – Pawn Shop.

- (a) The business shall be conducted within a completely enclosed building.

The business is located entirely within an enclosed building (SW building onsite, Building D).

- (b) The building in which the business is located shall be at least one hundred fifty (150) feet from the closest point of any residentially zoned property; provided, however, that this condition may be modified pursuant to Section 61.500 subject to the following conditions:

The building that will house the pawn shop is 150.16 feet from the nearest residentially zoned property as verified by a survey of the site (see attachment).

- (c) No pawnshop shall be located within one thousand three hundred twenty (1,320) feet of any alternative financial establishment measured from the nearest building wall of the existing establishment to the nearest building wall of the proposed use, or if there is no building, to the nearest lot line of the proposed use.

Proposed Modification of Special Conditions per 61.502:

This development requests a modification to this provision. There exists an unlicensed alternative financial establishment (Piggy Bank) located at 1994 Suburban Avenue that is 1,053.45 feet from the proposed location as measured by a registered land surveyor (see attachment). (A Pay Day lending establishment at 1696 Suburban Avenue is 1986.13 feet to the west, over the required separation and also measured by a surveyor.)

February 17, 2011 Revised March 7, 2011

Department of Planning and Economic Development
Zoning Section
1400 City Hall Annex
25 Fourth Street West
Saint Paul, MN 55102

Project: Suburban Town Center - 1891 Suburban Avenue

Subject: Findings for Conditional Use – Fast Food w/Drive Through #1 at Building B (NE building)

Findings for General Standards per 61.501

- (a) *The extent, location and intensity of the use are in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans (SunRay Small Area Plan) which were approved by the city council. **The proposed project reuses existing building stock, preserving historic structures, provides mixture of uses for the property and redevelops a vacant and underutilized property.***
- (b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets. **The project proposes to utilize two ingress/egress entries from Suburban Avenue, which is currently a commercial corridor street.***
- (c) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare. **The uses are consistent with other uses in the neighborhood and the redevelopment will bring new business to the underutilized site.***
- (d) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. **The proposed uses are permitted in the current zoning district, in addition, several other similar uses are currently in operation to the west of the site.***
- (e) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located. **The project is in conformance with all other requirements of the district for this conditional use.***

Findings for Standards and Conditions of a Fast Food Restaurant per 65.515.

- (a) *Except in I1—I2 industrial districts, a conditional use permit is required for establishments of more than 10,000 square feet in gross floor area, and for any establishment with drive-through service. In TN2—TN3 traditional neighborhood districts, these uses are intended to be of a moderate size compatible with neighborhood-level retail. **A conditional use permit for the drive-through service standards and conditions is described below.***
- (b) *In the B2 community business district, fast-food restaurants shall be incorporated within a multi-use retail center, and shall not provide drive-through service. **Not applicable.***
- (c) *Drive through service shall meet the standards and conditions in section 65.513, drive-through sales and services, primary and accessory. **The drive-through service meets the standards and conditions in section 65.513 for drive-through sales and services, primary and accessory.***
- (d) *Points of vehicular ingress and egress shall not be onto a street which is used primarily for access to abutting residential property. **The entries to the site are from Suburban Avenue, which is a commercial artery.***

- (e) *Points of vehicular ingress and egress shall be located at least sixty (60) feet from the intersection of any two (2) streets and at least sixty (60) feet from any abutting residentially zoned property. The project complies with each of these requirements. The main entry is 130 feet from the right turn lane for east-bound traffic from Suburban Avenue onto Burns Avenue and 230 feet to the western edge of Burns Avenue.*
- (f) *When the site abuts an alley which also serves residentially zoned land, no access from the site to the alley shall be permitted. The site does not abut an alley.*
- (g) *Trash receptacles shall be housed in a three-sided masonry enclosure, six (6) feet high, or equal in height to the dumpster, whichever is greater, and have an entrance gate constructed of a durable, opaque material. The trash receptacles are located within a three-sided masonry enclosure.*
- (h) *A litter collection plan shall be developed and submitted to the planning commission, which obligates the restaurant operator to keep the area surrounding said restaurant free of restaurant litter for a reasonable specified distance. The restaurant owners will administer a litter collection plan.*
- (i) *A landscaped area not less than fifteen (15) percent of the impervious surface area of the lot shall be provided and maintained. A minimum of 15% of landscaping for the combined parking area will be provided.*
- (j) *Impact on adjoining property by use of the site may not result in the following. There will not be adverse impacts on the adjoining properties due to the following measures taken by the property design and management.*
 - (1) *Loud, boisterous and disturbing noise levels. The fast food restaurant proposed is family-oriented, so no loud, boisterous and disturbing noises are anticipated.*
 - (2) *Hazardous traffic conditions. A clear easy to navigate parking area is being proposed, which will not create hazardous traffic conditions.*
 - (3) *Offensive, obnoxious and disturbing odors. The restaurant directs its exhaust at a height and velocity to readily dissipate.*
 - (4) *Excessive litter. The restaurant will manage litter pick-up.*
 - (5) *Excessive artificial lighting. Site lighting will follow city requirements for light cut-off at the property line.*
 - (6) *Substantial decrease in adjoining property values. The active use of the property will reinforce property values over the existing partially occupied building currently on-site.*

Findings for Drive Thru Use per Sec. 65.513:

Standards & Conditions

- (a) *Drive-through lanes and service windows shall be located to the side or rear of buildings, shall not be located between the principal structure and a public street, and shall be at least sixty (60) feet from the closest point of any residentially zoned property or property occupied with a one-, two-, or multiple-family dwelling. The drive-thru lane and service window is located on the north side of the building, away from the residential property and the drive up window is 450 feet from the closest residential property.*
- (b) *Points of vehicular ingress and egress shall be located at least sixty (60) feet from the intersection of two streets and at least sixty (60) feet from abutting residentially zoned property. The entries for site are 230 and 430 feet from the nearest intersection (Burns Avenue).*
- (c) *Speaker box sounds from the drive-through lane shall not be plainly audible so as to unreasonably disturb the peace and quiet of abutting residential property. The project does abut a residentially*

zoned property (public park) across Suburban Avenue, so it will not disturb the peace and quiet of the residential property.

- (d) *A six-foot buffer area with screen planting and an obscuring wall or fence shall be required along any property line adjoining an existing residence or residentially zoned property. The property does abut, but does not adjoin a residential property to the south of Suburban Avenue. A minimum eight-foot landscape buffer and plantings will be provided along Suburban Avenue, although in keeping with the SunRay Small Area Plan, the site will maintain visibility and provide accent plantings rather than tall screen planting.*
- (e) *There shall be no more than one (1) drive-through lane and no more than two (2) drive-through service windows, with the exception of banks, which may have no more than three (3) drive-through lanes. The restaurant shall have one drive-through lane and one service window. One is located in the SW building (C) and the other is located on the north side of the NE building (B).*

February 17, 2011 Revised March 7, 2011

Department of Planning and Economic Development
Zoning Section
1400 City Hall Annex
25 Fourth Street West
Saint Paul, MN 55102

Project: Suburban Town Center - 1891 Suburban Avenue

Subject: Findings for Conditional Use – Fast Food w/Drive Through #2 at Building C (SW building)

Findings for General Standards per 61.501

- (a) *The extent, location and intensity of the use are in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans (SunRay Small Area Plan) which were approved by the city council. **The proposed project reuses existing building stock, preserving historic structures, provides mixture of uses for the property and redevelops a vacant and underutilized property.***
- (b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets. **The project proposes to utilize two ingress/egress entries from Suburban Avenue, which is currently a commercial corridor street.***
- (c) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare. **The uses are consistent with other uses in the neighborhood and the redevelopment will bring new business to the underutilized site.***
- (d) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. **The proposed uses are permitted in the current zoning district, in addition, several other similar uses are currently in operation to the west of the site.***
- (e) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located. **The project is in conformance with all other requirements of the district for this conditional use.***

Findings for Standards and Conditions of a Fast Food Restaurant per 65.515

- (a) *Except in I1—I2 industrial districts, a conditional use permit is required for establishments of more than 10,000 square feet in gross floor area, and for any establishment with drive-through service. In TN2—TN3 traditional neighborhood districts, these uses are intended to be of a moderate size compatible with neighborhood-level retail. **A conditional use permit for the drive-through service standards and conditions is described below.***
- (b) *In the B2 community business district, fast-food restaurants shall be incorporated within a multi-use retail center, and shall not provide drive-through service. **Not applicable.***
- (c) *Drive through service shall meet the standards and conditions in section 65.513, drive-through sales and services, primary and accessory. **The drive-through service meets the standards and conditions in section 65.513 for drive-through sales and services, primary and accessory.***
- (d) *Points of vehicular ingress and egress shall not be onto a street which is used primarily for access to abutting residential property. **The entries to the site are from Suburban Avenue, which is a commercial artery.***

- (e) *Points of vehicular ingress and egress shall be located at least sixty (60) feet from the intersection of any two (2) streets and at least sixty (60) feet from any abutting residentially zoned property. The project complies with each of these requirements. The main entry is 130 feet from the right turn lane for east-bound traffic from Suburban Avenue onto Burns Avenue and 230 feet to the western edge of Burns Avenue.*
- (f) *When the site abuts an alley which also serves residentially zoned land, no access from the site to the alley shall be permitted. The site does not abut an alley.*
- (g) *Trash receptacles shall be housed in a three-sided masonry enclosure, six (6) feet high, or equal in height to the dumpster, whichever is greater, and have an entrance gate constructed of a durable, opaque material. The trash receptacles are located within a three-sided masonry enclosures.*
- (h) *A litter collection plan shall be developed and submitted to the planning commission, which obligates the restaurant operator to keep the area surrounding said restaurant free of restaurant litter for a reasonable specified distance. The restaurant owners will administer a litter collection plan.*
- (i) *A landscaped area not less than fifteen (15) percent of the impervious surface area of the lot shall be provided and maintained. A minimum of 15% of landscaping for the combined parking area will be provided.*
- (j) *Impact on adjoining property by use of the site may not result in the following. There will not be adverse impacts on the adjoining properties due to the following measures taken by the property design and management.*
 - (1) *Loud, boisterous and disturbing noise levels. The fast food restaurants proposed are a family-oriented, so no loud, boisterous and disturbing noises are anticipated.*
 - (2) *Hazardous traffic conditions. A clear easy to navigate parking area is being proposed, which will not create hazardous traffic conditions.*
 - (3) *Offensive, obnoxious and disturbing odors. The restaurant directs its exhaust at a height and velocity to readily dissipate.*
 - (4) *Excessive litter. The restaurant will manage litter pick-up.*
 - (5) *Excessive artificial lighting. Site lighting will follow city requirements for light cut-off at the property line.*
 - (6) *Substantial decrease in adjoining property values. The active use of the property will reinforce property values over the existing partially occupied building currently on-site.*

Findings for Drive Thru Use per Sec. 65.513:

Standards & Conditions

- (a) *Drive-through lanes and service windows shall be located to the side or rear of buildings, shall not be located between the principal structure and a public street, and shall be at least sixty (60) feet from the closest point of any residentially zoned property or property occupied with a one-, two-, or multiple-family dwelling. The drive-thru lane and service window is located on the side of the building and the drive up window is greater than 60 feet from the closest residential property.*
- (b) *Points of vehicular ingress and egress shall be located at least sixty (60) feet from the intersection of two streets and at least sixty (60) feet from abutting residentially zoned property. The entries for site are 230 and 430 feet from the nearest intersection (Burns Avenue).*
- (c) *Speaker box sounds from the drive-through lane shall not be plainly audible so as to unreasonably disturb the peace and quiet of abutting residential property. The project does abut a residentially zoned property (public park) across Suburban Avenue, so it will not disturb the peace and quiet of the residential property.*

- (d) *A six-foot buffer area with screen planting and an obscuring wall or fence shall be required along any property line adjoining an existing residence or residentially zoned property. The property does abut, but does not adjoin a residential property to the south of Suburban Avenue. A minimum eight-foot landscape buffer and plantings will be provided along Suburban Avenue, although in keeping with the SunRay Small Area Plan, the site will maintain visibility and provide accent plantings rather than tall screen planting.*
- (e) *There shall be no more than one (1) drive-through lane and no more than two (2) drive-through service windows, with the exception of banks, which may have no more than three (3) drive-through lanes. The each restaurant (2) shall have one drive-through lane and one service window. One is located in the SW building (C) and the other is located on the north side of the NE building (B).*

February 17, 2011 Revised March 7, 2011

Department of Planning and Economic Development
Zoning Section
1400 City Hall Annex
25 Fourth Street West
Saint Paul, MN 55102

Project: Suburban Town Center - 1891 Suburban Avenue

Subject: Findings for Conditional Use – Auto Specialty Store - Building D (SE Building)

Findings for General Standards per 61.501

- (a) *The extent, location and intensity of the use are in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans (SunRay Small Area Plan) which were approved by the city council. **The proposed project reuses existing building stock, preserving historic structures, provides mixture of uses for the property and redevelops a vacant and underutilized property.***
- (b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets. **The project proposes to utilize two ingress/egress entries from Suburban Avenue, which is currently a commercial corridor street.***
- (c) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare. **The uses are consistent with other uses in the neighborhood and the redevelopment will bring new business to the underutilized site.***
- (d) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. **The proposed uses are permitted in the current zoning district, in addition, several other similar uses are currently in operation to the west of the site.***
- (e) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located. **The project is in conformance with all other requirements of the district for this conditional use.***

Findings for Standards and Conditions of an Auto Specialty Store per 65.704 (65.703)

- (a) *The construction and maintenance of all driveways, curbs, sidewalks, pump islands or other facilities shall be in accordance with current city specifications. Such specifications shall be developed by the planning administrator, traffic engineer and city fire marshal, and shall be approved by the planning commission, and filed with the city clerk. **The construction and maintenance of all driveways, curbs, sidewalks, pump islands or other facilities shall be designed and constructed in accordance with current city specification.***
- (b) *A ten-foot buffer area with screen planting and an obscuring wall or fence shall be required along any property line adjoining an existing residence or residentially zoned property. **The property does not adjoin a residentially zoned property, however some screen plantings will be provided along the auto specialty store side of the property.***

- (c) *The minimum lot area shall be fifteen thousand (15,000) square feet, and so arranged that ample space is available for motor vehicles which are required to wait. Auto service stations which are intended solely for the sale of gasoline, oil and minor accessories and having no facilities for incidental servicing of automobiles (including lubricating facilities) may be permitted on a lot of twelve thousand (12,000) square feet, subject to all other provisions herein required. **The property lot area is 206,852 square feet, exceeding the minimum lot area requirements.***

Additional standards and conditions in traditional neighborhood districts:

Not Applicable.

P:\dj-arch\2010\110-0127 - Max It Pawn - Suburban Ave., St. Paul, MN\Word\Design\Zoning & Planning\10-0127_CUP Narrative_11-0307_Auto Specialty Store.doc

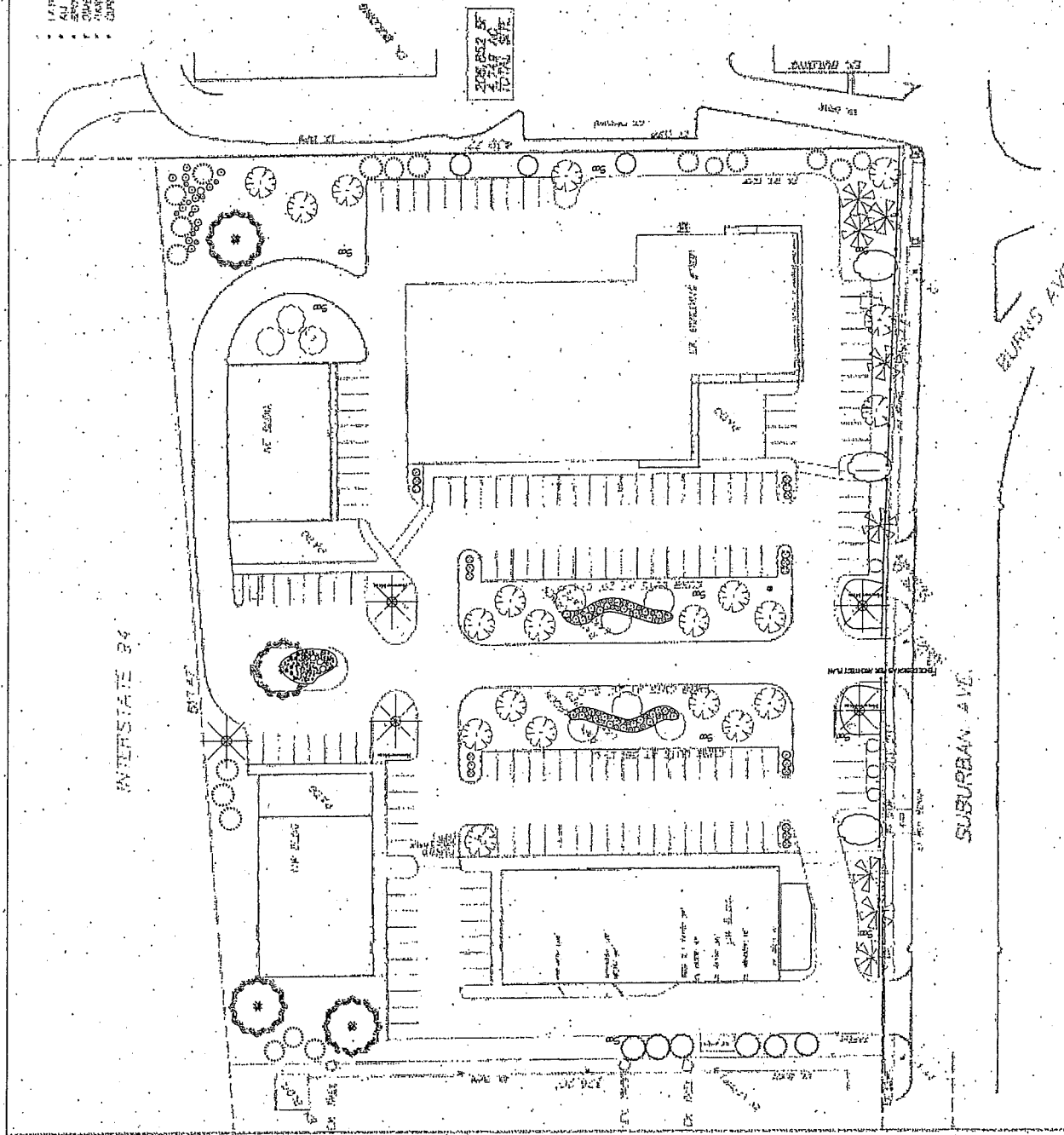
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LEGEND		COMMON NAME	SIZE	QTY
FLOWER, GRASS				
	8	GRASS, FEATHER REED	EACH	6
✻	9	GRASS, BULE	EACH	9
✻	37	EDGE VAREGATED JAPANESE	EACH	37
FLOWER, FERNAL				
✻	5	ASTER, WOOD'S PINK	EACH	6
✻	2	DEE DAIM	EACH	3
✻	3	CARDINAL FLOWER	EACH	3
✻	128	DARTLY, STELLA	EACH	128
✻	10	JAPANESE IRS (2)	EACH	10
✻	6	LAGARA	EACH	6
✻	7	FERNAL SALVA	EACH	7
SHRUB, DECIDUOUS				
✻	43	DOWNWOOD BANY (2)	5 GAL	43
✻	41	DOWNWOOD, YELLOW	5 GAL	41
✻	21	STRAPA, GOLDFANE	1 GAL	21
SHRUB, EVERGREEN, CONFER				
✻	1	JUNPER, BRONCHOUR	5 GAL	1
TREE, DECIDUOUS				
✻	8	CANAMIFLE, PRINCE FIE	2"	8
✻	20	HOBERRY	2"	20
✻	3	LINEN, REMAND	3"	3
✻	3	LOST, STRULE	3"	3
✻	2	MARLE, PARK	3"	2
✻	4	MARLE, KET, AUTUMN FLAME	3"	4
✻	6	YAK SWAMP WHITE	2"	6
TREE, EVERGREEN				
✻	9	THE AUSTRAN	5-6"	9
✻	23	SPRUCE, BLACK HILLS	5-6"	23

164 PARKING SPOTS
REQUIRING 33
TREES



THE STATE OF NEW YORK, County of _____, ss. I, _____, Clerk of the said County, do hereby certify that the within and foregoing is a true and correct copy of the original as the same appears from the records of the said County.





Community Council

2105 1/2 Old Hudson Road, Saint Paul, MN 55119

www.district1council.org

district1council.blogspot.com

Community Council Office

(651) 578-7600 (phone)

(651) 578-7404 (fax)

district1council@aol.com

Police Storefront

(651) 578-7400 (phone)

(651) 578-7404 (fax)

district1CPC@aol.com

To: Zoning Committee of the Planning Commission

From: District 1 Community Council Board of Directors

Re: 1891 Suburban Avenue – File #11- 017534 and CUPs

Attached to this letter is documentation of the community input the District 1 Community Council received prior to and at the public meeting it held on February 28, 2011. The Council has continued to receive comments but the senders are referred directly to City staff and those comments are not included here. At the meeting, the community members took a separate vote from the District 1 Board; that vote was 28 in support of the proposal and 4 in opposition (total 45 residents in attendance). Including the 12 comments received prior to the meeting, the total community vote was 31 in support and 13 in opposition. This vote represented a significant shift in opinion after discussion with the developer, during which the estimated number of new jobs (between 175 and 220) was given and a proposed dollar store was withdrawn from the original proposed list of tenants. The anticipated tenants include Chipotle, Starbucks, Cowboy Slims and Dairy Queen, in addition to MaxIt Pawn.

The District 1 Board voted unanimously to support the site plan of the project as described at the February 28 meeting. It supports the accompanying conditional use permits (for the pawn shop and for the drive-through restaurant) as they relate to the site plan that was reviewed and with the understanding that weapons will not be bought or sold at the pawn shop, and that the hours of the pawn shop are 10a – 7p M-Sat and noon to 6p on Sundays. The site plan that the Board supports locates the pawn shop in the northern-most portion of the existing building, which is to be divided into three storefronts. The Board would not support the plan and permits if the pawn shop or a dollar (thrift) store were facing Suburban Avenue. The site plan we support also has significant landscaping that addresses stormwater run-off and infiltration in keeping with the SunRay-Suburban Small Area Plan's Town Center concept. We expect strict adherence to the sign restrictions in the Small Area Plan and in the proposed architectural concept presented to us.

The Board remains concerned that a litter collection plan be presented for the entire parcel and has asked the developer to participate in the City's *Come Clean* program as a part of that plan. We also ask that the developer commit to supporting the *Blooming Suburban* program as well, helping to defray costs for annual upkeep of the planters along Suburban Avenue. We assume that the review of the site plan will address both any traffic mitigation issues and the amount of parking proposed.

We understand that an additional conditional use permit will be necessary if an auto-sales/repair shop becomes a tenant of this development.

This parcel is an important one for our business district. The Board sees the proposed site plan as one that can move us closer to realization of the SunRay-Suburban Small Area Plan.

Cc: Kathy Lantry, Council President and Ward 7 representative

Site Plan Review – Community Responses

Property: 1891 Suburban Ave.

Issue: redevelopment of lot with pawn shop, retail space and restaurants; creation of green spaces

Community Response at Meeting:**

Meeting Date: February 28, 2011

Meeting Location: La Quinta Inn

Total # in Attendance: 65

(A list can be provided upon request)

of residents and business/ property owners in attendance located in District 1*: 45 + 11 brd members

Applicant Present?: YES

Pros

This will improve the area – it is better than an empty car lot
The old jobs are gone, we need new jobs.
We want to see involvement of these businesses in our community – We expect the developer to commit to being a good neighbor
I've got nothing against (am neutral about) pawn shops
This is a neighborhood on the cusp – perception is important; I am indifferent to the pawn shop but the dollar store is no good.
Young people in the area need places to work.

Cons

This area is supposed to be pedestrian oriented – too much parking up front. Why does SP allow pawn shops and Oakdale doesn't? Worried about survival – too much of same kinds of businesses. I must leave our community to meet my needs – does this add to our community vitality? How many jobs? Why would people sit outside next to a freeway? Appearance of shabbiness. Trees cover up what you are putting in. These are minimum wage jobs. This will increase crime – do we need more? No one ever said they wanted a pawn shop in their area. What type of merchandise do you carry? Why does it look cheap?

Community Response Outside of Meeting:**

Pros

We need new businesses that will bring more people to all our businesses
We look forward to competition and seeing how these folks fit into the business community
We can use a pawn shop – there are folks here who will use it, including me.
There are folks in our area who need this.

Cons

This will encourage people to steal. This will drive down property values. No way do I want a pawn shop
I like the other businesses proposed but am strongly opposed to a pawn shop.
I will do anything to help keep this out of our neighborhood.

* Prior to the meeting postcards were sent to 600+ households between Upper Afton and Minnehaha Ave . Notification was also made on our neighborhood listserv and our website/blog.

** All listed responses were given by individuals living, working or owning property in the boundaries of District 1 Community Council.

District 1 Community Council's mission is to create opportunities for the people who live and work in our neighborhoods to engage with each other and our government officials to build a more vibrant and welcoming community.

Respectfully submitted by: Betsy Leach
Executive Director
District 1 Community Council
Land Use/Zoning Committee

From: chris.stacy@netzero.net <chris.stacy@netzero.net>
To: district1council@aol.com
Sent: Tue, Mar 1, 2011 5:32 pm
Subject: Suburban car lot

To the members of the District 1 Community Council,

I regret that I was unable to attend the meeting last night, however I wanted to let you know that I am opposed to the car lot being sold to a pawn shop. I hope that the council will endeavor to bring up the value in this area, rather than bring it down. A pawn shop would only bring down the value in our area. I understand that the shop would bring in jobs, but it will also bring in crime. There are other stores that would also bring in jobs that aren't pawn shops. I have no problem with the other stores that would be a part of the plan, however I am not sure how many restaurants this area can support. When I looked on the blog, I did not see if there was a better contact email than this one. If there is a person with whom I could speak, I would appreciate their contact information.

Sincerely,

Stacy Anderson
651-774-4949

From: LAURIE POTTER <lauriepotter7@msn.com>
To: district1council@aol.com
Sent: Thu, Mar 3, 2011 8:45 am
Subject: Pawn Shop Opposition

Hello,

I was unable to attend the Monday District 1 Council meeting due to a work conflict. My neighbor told me I could still email the board with my thoughts before a final decision was made.

I understand times are hard it is right now as far as redeveloping new business life. I live on Conway street and on the residential side we have had our share of foreclosures and based on recent sale statistics my home appears to be worth about 50k less than I paid.

I completely oppose having a pawn shop in the area. It is a low level lending institution for people who absolutely cannot get credit by any other means and pawn household items. I know the developer at the last meeting said he deals in antiques, which is laughable and makes me challenge his credibility and motives. I have been to his other shop on University and the merchandise was mainly just electronics, tools, bikes and for lack of a better term, junk. Basically the items that they take in the pawn shop are items that are in our cars and garages and homes. I don't know how this business is going to benefit the community. Now I am sure there will be some legitimate exchanges that go on but this type of business feeds on desperate people who look for products to pawn. I do not want these people in my neighborhood. My car was broken into three years ago and we had to tear up our driveway and add a car pad so I could park off street. We have also had garage break ins where my neighbor lost some expensive tools. I don't want to have potential opportunists roaming the area for things to pawn. It happens! He may create a few low level jobs but to what cost to the community. I don't know that this is the clientele that I want in my area. Another concern is will there be a change in licensing for this kind of facility at some point. I read an article in the Star Tribune a while back where they are trying to deregulate Pawn shops. Here is the link to that article
<http://www.startribune.com/local/south/105924273.html?elr=KARksUUUoDEy3LGDio7aiU>

Also, I was informed that there are a few fast food places to go in the center. I was told the developer was unable to answer as far traffic flow? Are these fast food places going to have limited dining hours or are they a place for kids to loiter at night? How will they keep the premises clean? I cannot tell you how on a daily basis (really) I pick Sonic Burger wrappers out of my bushes.

I guess from what I say from the previous meeting and from what my neighbor told me, the developer fails to answer some really important questions. Who is really going into this business center? How many jobs and what type of jobs are created? Is he giving anything back to the community? Why does he want to locate in this area? Is it because of the zoning issue he continues to face? He has brought in an architect for everyone to show what it will look like and dwells on the "green space". What I really want to know are strong hard facts as to who is going in the business center, the hours of operation, how will they handle kids who loiter, how will they keep the area clean? I want to know how this is going to help us change around this community for the better not for the worse.

The places that are clean and well managed attract good business and clientele. Byerlys, Culvers, Meditation Center. These are businesses that take responsibility for their business and I patronize them because of their efforts and their ability to create a pleasant atmosphere. After listening to this developer, I do not get a good feeling that he has interest in improving our community. I understand we need to fill the vacant building spots but I am not sure that a pawn shop or this developer is the answer.

Thank you for your time and consideration.

Sincerely,
Laurie J. Potter

Tom,

The Council listened to comments from the community, asked them to vote and then voted itself. Despite a predominant negative tone to the comments, the community vote was 31 for (including 3 votes prior to the meeting) and 13 against (including your vote and eight others prior to the meeting). The developer took the Dollar Store it had proposed as a tenant off its list of potential tenants as a result of the community comments. This decision seemed to sway the community toward acceptance of the proposal. The Council voted unanimously to support the site plan and conditional use permits. There was no vote taken on a variance, as the application does not include a variance for distance from the alternative financial institution. I believe that the developer thinks that ordinance does not apply given that the other institution is currently unlicensed by the state (rightly or wrongly...). This information, including comments taken pro and con, will be sent to the City with our recommendation.

We encourage all community members with their own opinions about this development to submit separate comments to the City as it reviews the project. I will be posting a statement on our blog about this decision and how residents can submit their own comments by the end of the day today. Notice will also go out on twitter and on our facebook page.

Betsy Leach

Exec. Director/Community Organizer

District 1 Community Council

NEW ADDRESS & PHONE

2105 1/2 Old Hudson Rd.

Saint Paul, MN 55119

district1council@aol.com; www.district1council.org

651-578-7600 (v); 651-578-7404 (fax)

-----Original Message-----

From: THOMAS R DIMOND <tdimond@q.com>

To: District 1 News <District1Council@aol.com>

Cc: Kathy Lantry <kathy.lantry@ci.stpaul.mn.us>; ellen biales <ellen.biales@ci.stpaul.mn.us>; Richard Kramer <RJFKramer@aol.com>

Sent: Tue, Mar 1, 2011 8:04 am

Subject: Plan for Suburban Ave

Betsy,

I was not able to attend the District 1 meeting but want to comment on the proposal for the land north of Suburban Pond. I would urge taking the time to develop a plan for the area. This is a large tract of land and it could support a significant redevelopment on the site. I would encourage people to consider the kind of development that was done on the SW corner of Grand and Oxford. The development there includes a coffee shop and retail on the first floor and residential above. The pond and park on the south side of the street provides a nice amenity and there is good access to the freeway that should support a more significant development than a pawn shop or more fast food establishments. Light rail is envisioned for the corridor.

Granting a variance to the standards for check cashing and pawn establishments does not seem a prudent course of action. I would encourage development that would support retention of businesses like Byerly's and that will attract families to buy homes in the neighborhood. This site should be an amenity for the neighborhood.

Thank you

Tom Dimond

From: Michael Belaen
Sent: Friday, March 11, 2011 11:00 AM
To: Matt Kramer
Subject: FW: 1891 Suburban Ave

the Chamber strongly supports this proposal. We believe the following information provides sufficient reason for the zoning committee to support this project:

1. *Broad Support.* The project received unanimous support from District 1 Neighborhood Planning Council.
 - a. The developer even removed a dollar store from the project
 - b. The developer is committed to hiring local sub-contractors
2. *Private Investment.* The total project will amount to roughly a \$15 million investment in Saint Paul. There is no public money involved in this project. The funding is ready to go.
3. *Creation of New Jobs.* The project will create between 180-220 new jobs in Saint Paul.
4. *Increased Property Tax Base.* The project will generate roughly \$110,000 in new property taxes for Saint Paul
5. *Economic Activity.* The project is expected to generate roughly \$10 million in gross annual sales, which will also lead to increased tax revenue for Saint Paul
6. *Tenants.* The developer has letters of intent from the following businesses:
 - a. Dairy Queen
 - b. Chipotle
 - c. Starbuck
 - d. MaxIt Pawn
 - e. Cowboy Slims

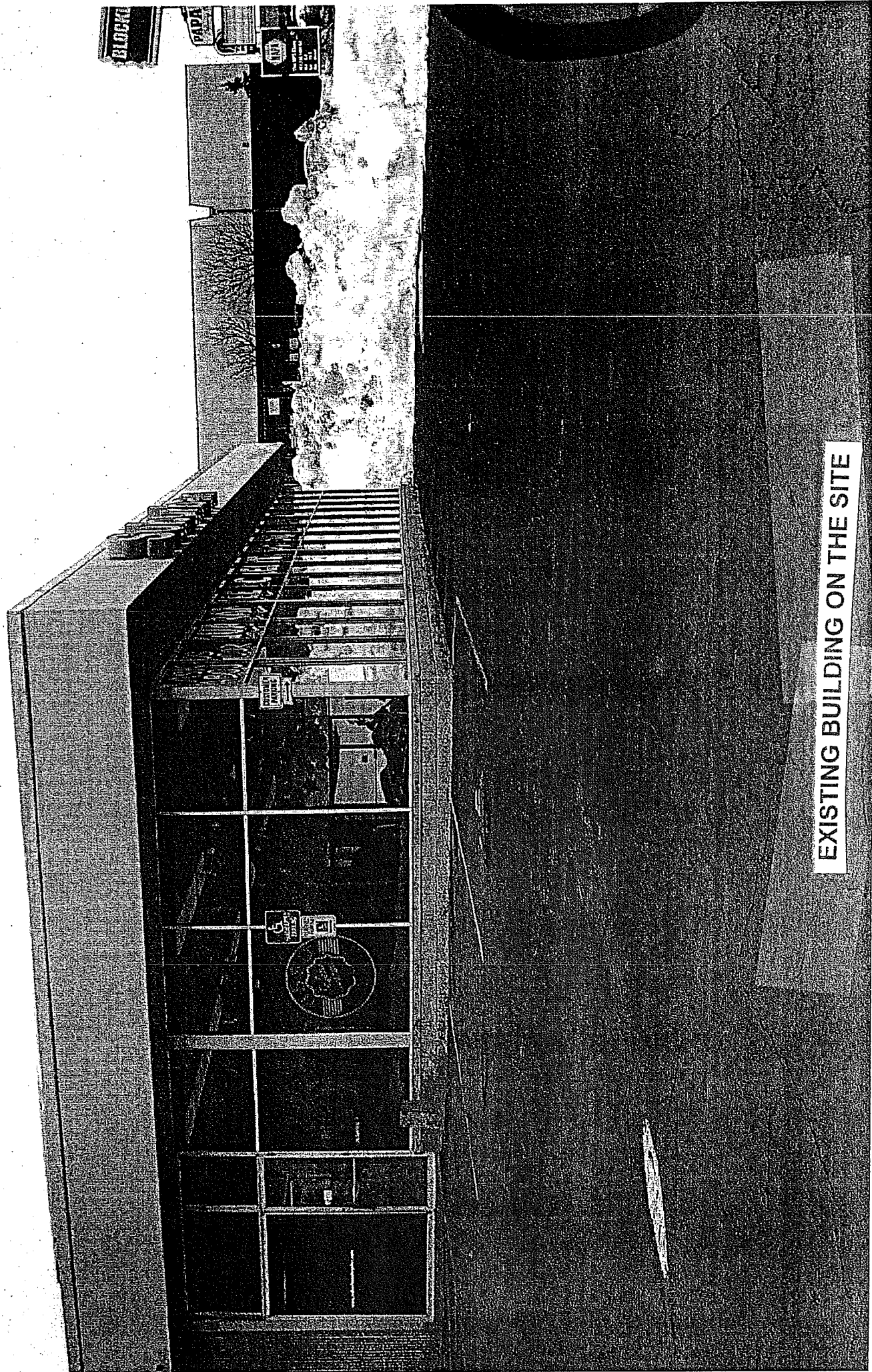
The site plan and conditional use permit for the pawn shop will be on the agenda at the March 24 zoning committee. We strongly support this project and encourage you speak with other committee members about this great opportunity for Saint Paul.

Let me know if you have any additional questions.

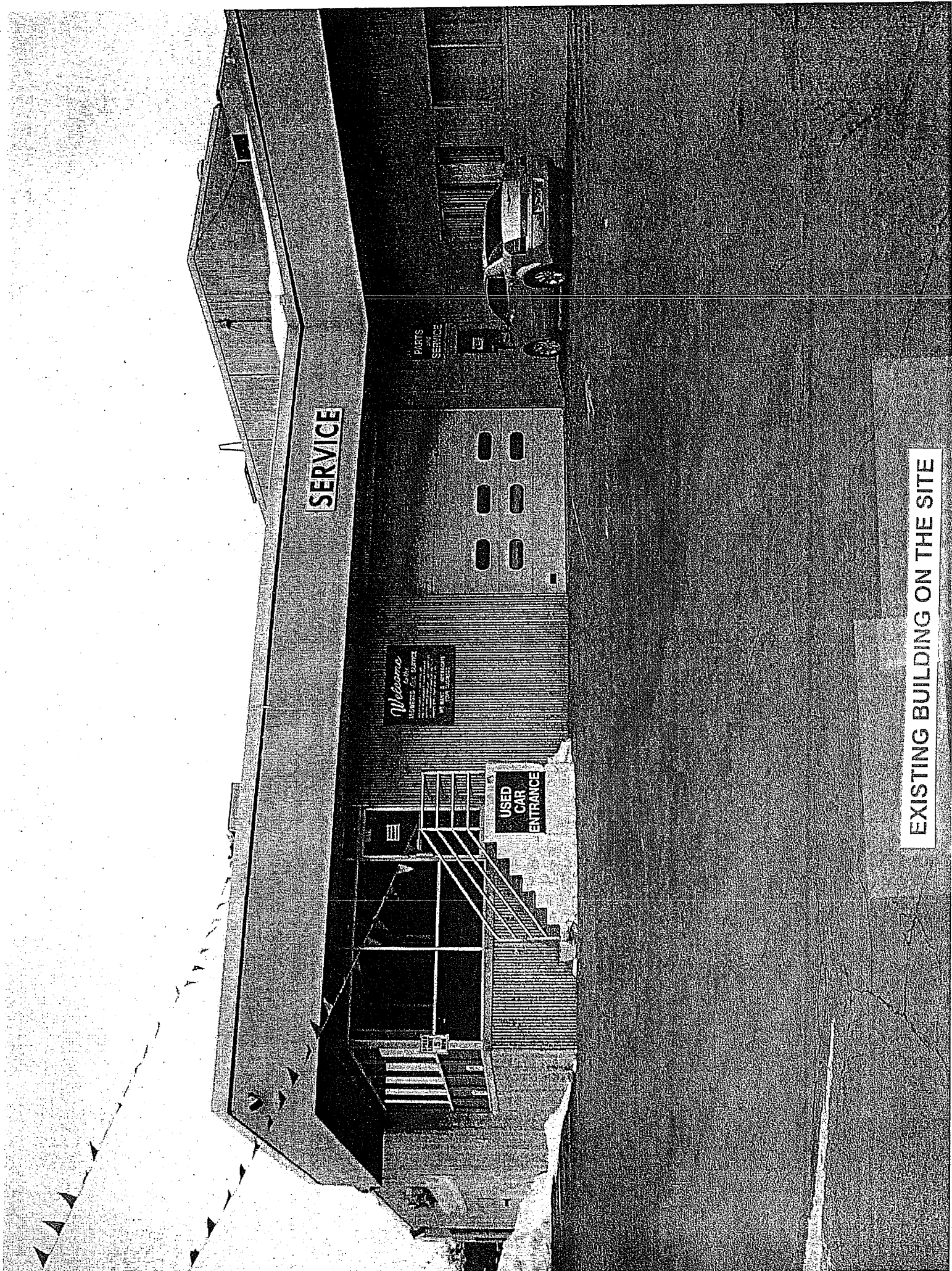


Michael Belaen
Director of Public Affairs
Direct // 651.265.2773
Twitter // [@mbelaen](#)

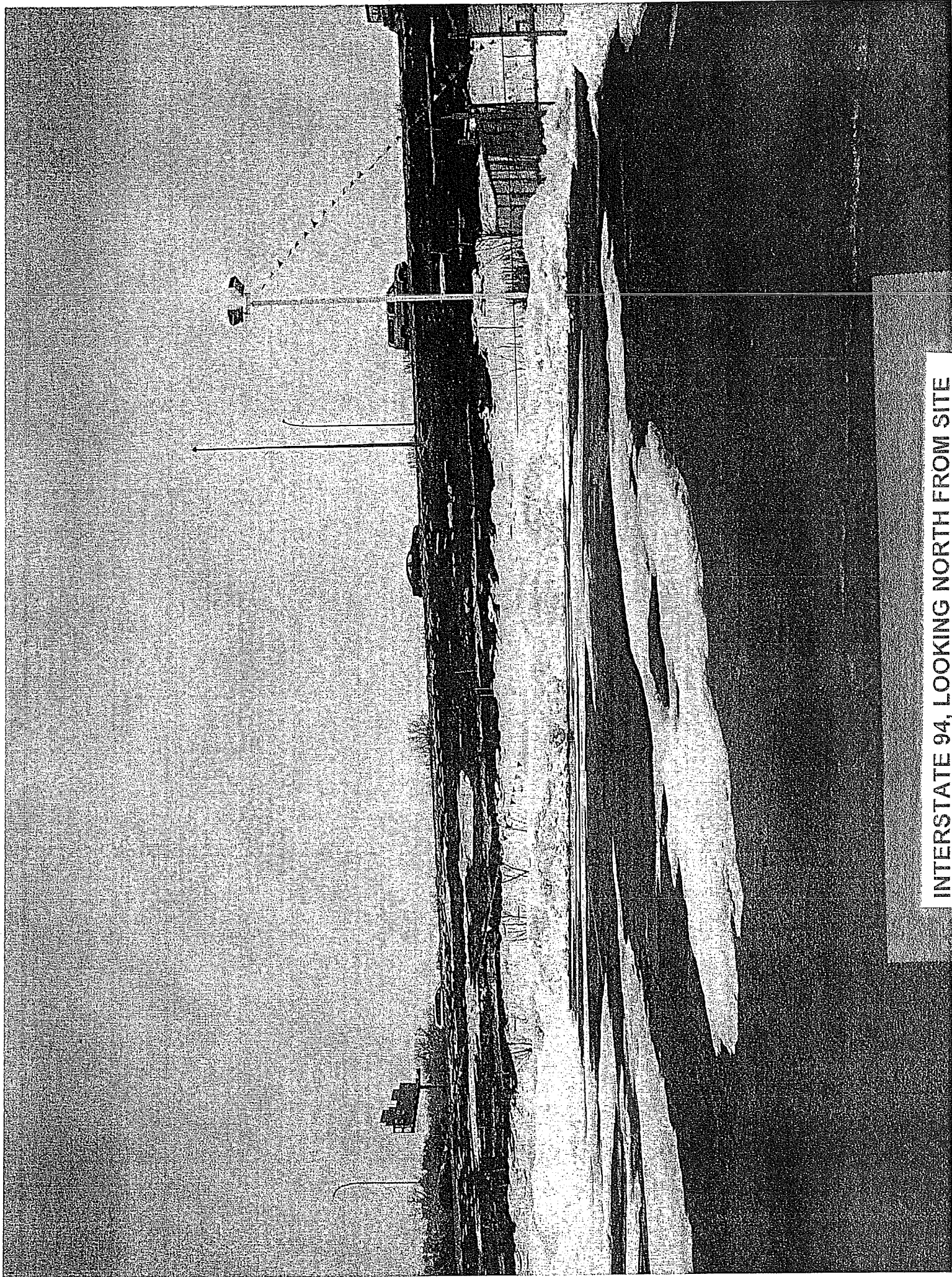




EXISTING BUILDING ON THE SITE



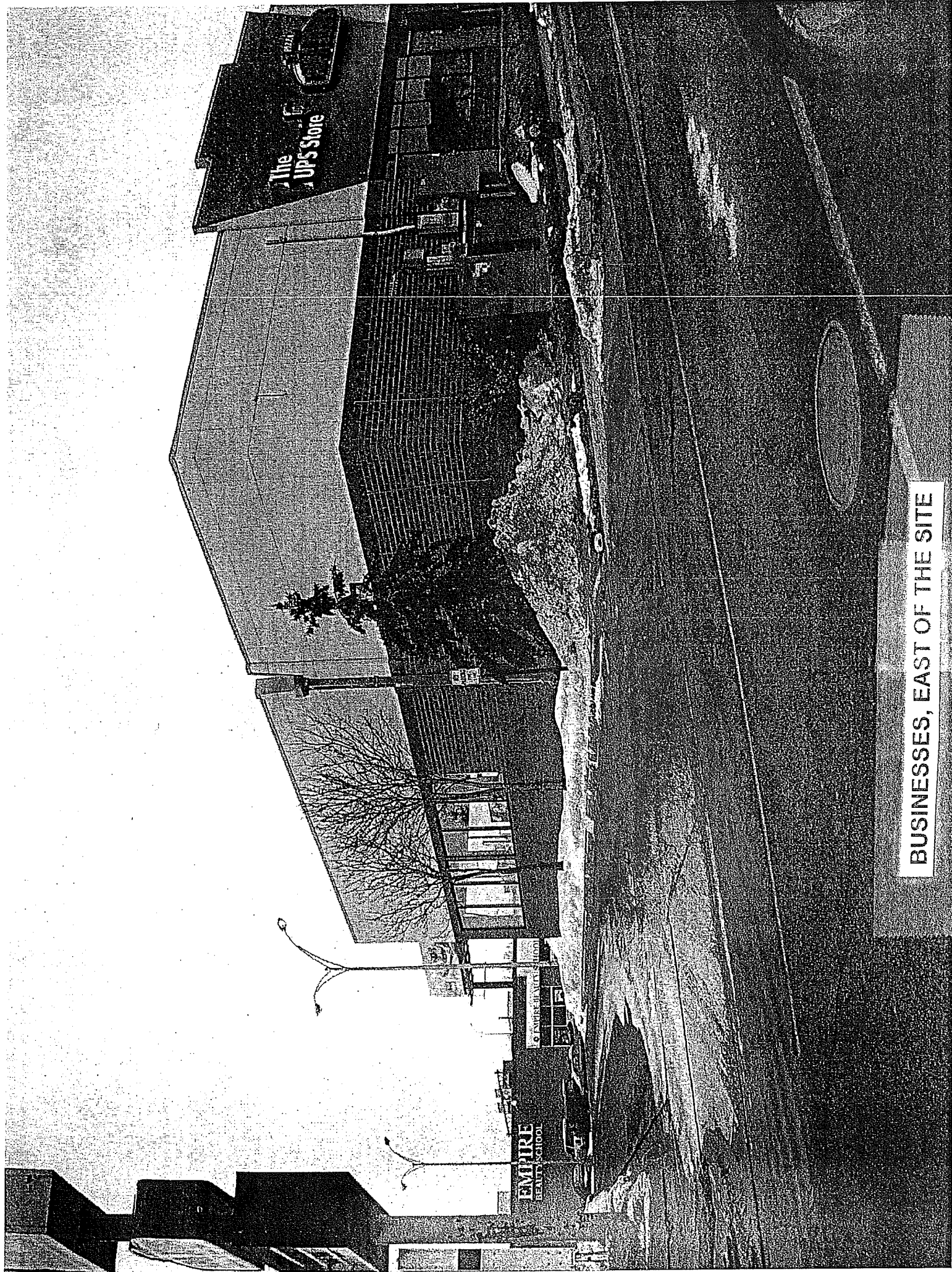
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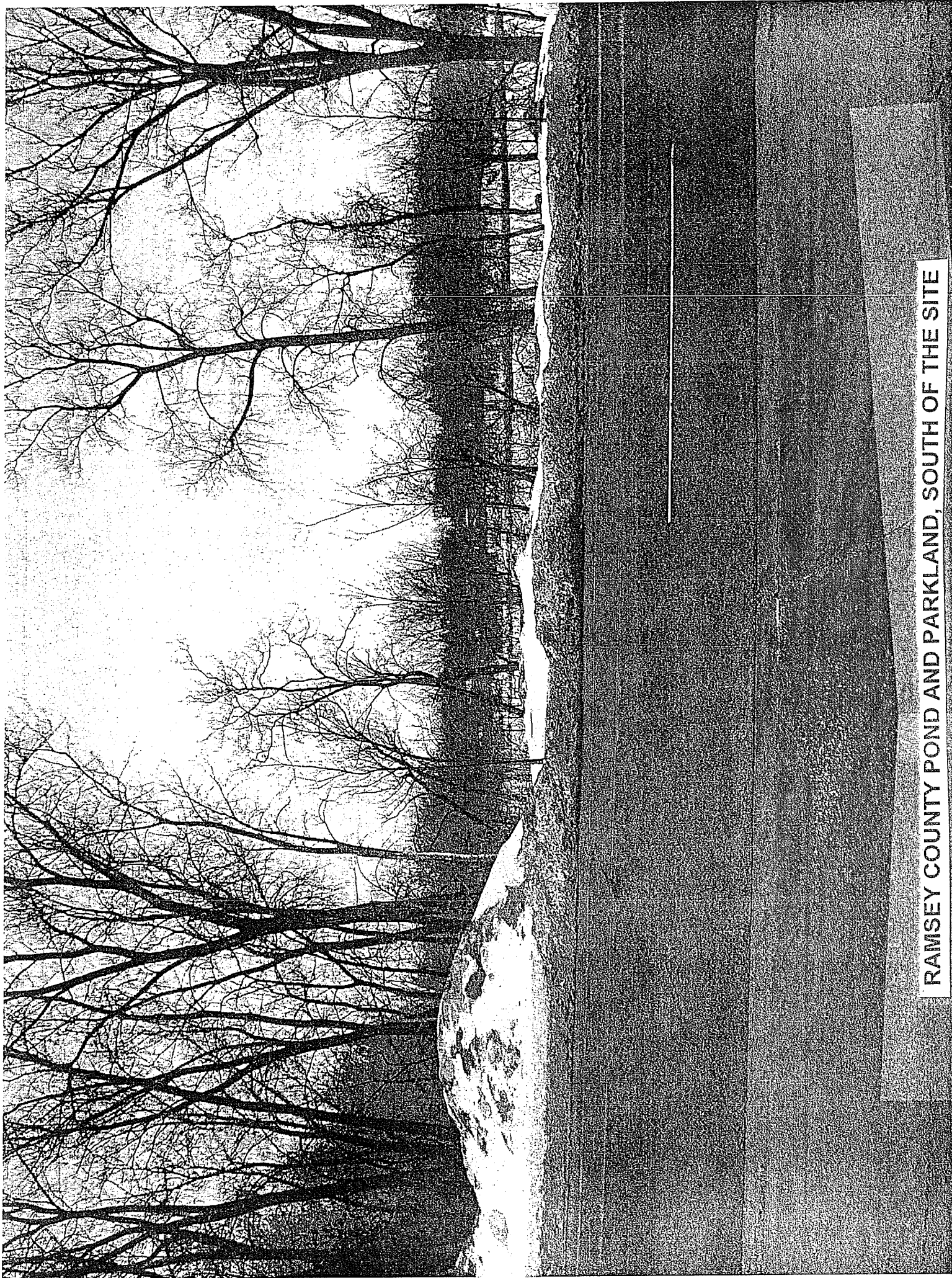
INTERSTATE 94, LOOKING NORTH FROM SITE



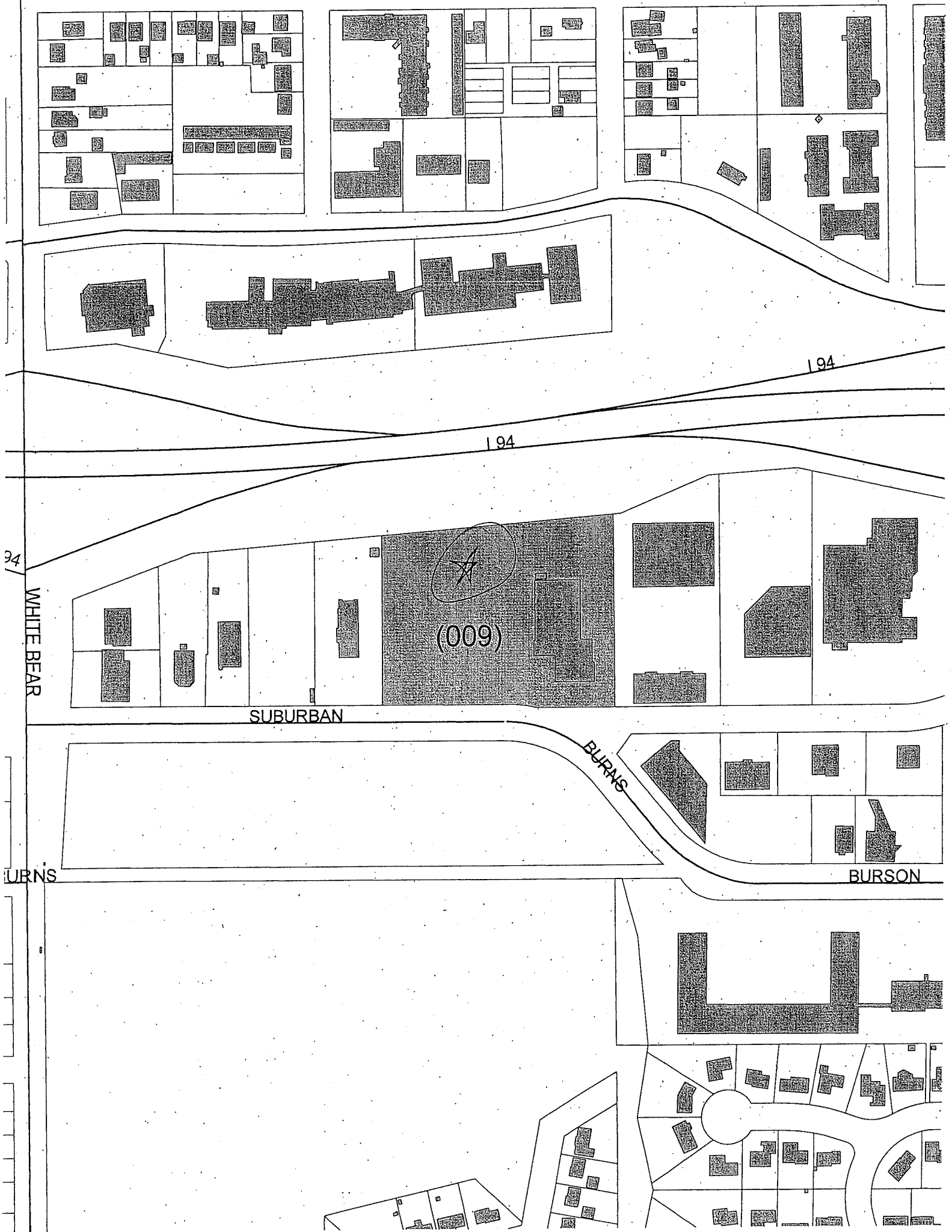
FAST FOOD RESTAURANT, WEST OF THE SITE



BUSINESSES, EAST OF THE SITE



RAMSEY COUNTY POND AND PARKLAND, SOUTH OF THE SITE



194

194

94

WHITE BEAR

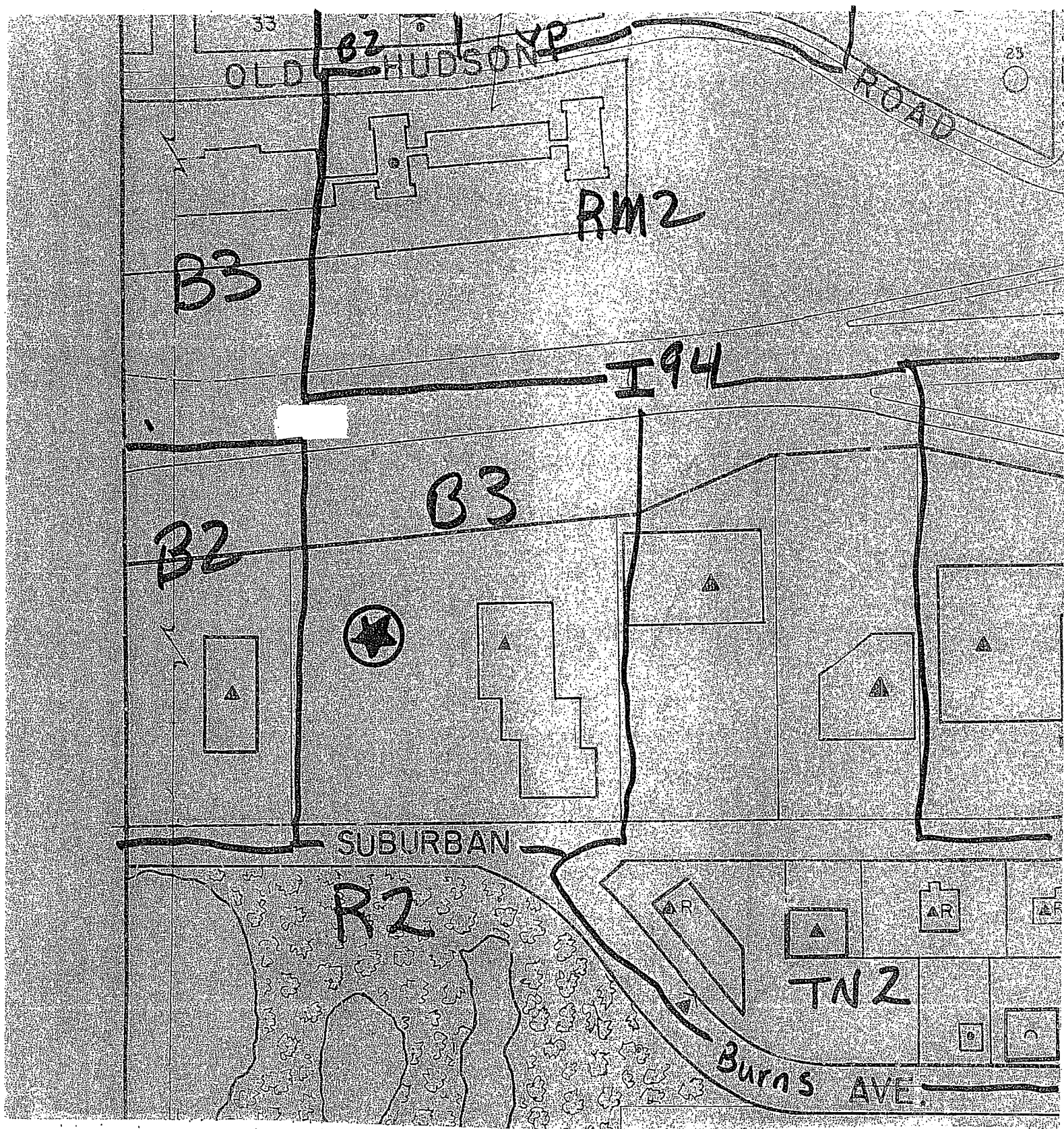
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SUBURBAN

BURNS

BURNS

BURSON



APPLICANT Red Dog Holdings, LLC

PURPOSE CUP/mod

FILE # _____

DATE 2-24-11

PLNG. DIST. 1

Land Use Map # 24

SCALE 1" = 400'

Zoning Map # 18

LEGEND

zoning district boundary

subject property

○ one family
 ○ two family
 ○ multiple family

• ▲ ○ commercial
 ♦ ■ ▲ industrial
 V vacant

